

Land Development and Transportation Committee

Staff Report

June 13, 2019



Case No:	19SUBDIV1004
Project Name:	Washington Green Section 2
Location:	6307 and 6503 Mt. Washington Rd
Owner(s):	JSWG LLC.
Applicant:	JSWG LLC.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised Major Preliminary Subdivision (Conservation)** with review of land disturbing activity on slopes greater than 20%.

CASE SUMMARY/BACKGROUND

A revised major preliminary subdivision utilizing the Conservation Subdivision regulations is proposed on 28.11 acres in the R-4 zoning district within the Neighborhood form district. The site is located along Pennsylvania Run just south of McNeely Lake in southeastern Louisville Metro. The proposal includes 59 buildable lots and one open space lot. The majority of the development is clustered along the western part of the site, in order to avoid the protected waterway and the majority of steep slopes on the subject site. The proposed subdivision revises the previous plan for 73 buildable lots approved under docket 17SUBDIV1007.

STAFF FINDING

The site has significant environmental constraints, including areas of steep slopes. Pennsylvania Run Creek borders the site along the south and east. The use of the conservation subdivision rules will allow for the proposed development to be located on a smaller section of the site, and will preserve large areas of land as conservation areas and open space. The smaller lot sizes allowed by the conservation subdivision standards allows for significantly less land to be cleared and developed, and less impervious surface to be constructed. The areas of disturbance with slopes greater than 20% for the proposed subdivision are minimized in accordance with the comprehensive plan. The subdivision plan is in order and meets all provisions of the Land Development Code.

TECHNICAL REVIEW

Metrosafe requests that the applicant rename the existing stub of Campfire Ct to match the proposed extension of Washington Green Rd.

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 after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the provided standards of this part. A staff analysis has been included in this report for the committee's consideration.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LAND DISTURBING ACTIVITIES ON SLOPES GREATER THAN 20%

- (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,

STAFF: A professional geotechnical evaluation was performed and no significant concerns with respect to slope instability or substantial erosion were observed on these scattered lots. Lots 29 and 56 show some areas of slopes greater than 30% that were evaluated in the geotechnical report. Overall, the design and layout appears to be the minimum necessary accommodate the proposed use of the site.

- (b) Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,

STAFF: The final location of all utilities will be determined prior to the recording of the record subdivision plat. The preliminary location drainage features has received approval from the Metropolitan Sewer District.

- (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.

STAFF: In general, the provided geotechnical report opines that the on-site slopes in the observed areas were stable at the time of observation. It provides that disturbance of slopes should not exceed the limits of evaluation in the report. Construction measures to maintain stability have been provided and should be incorporated into the construction of all new homes and the life of those homes.

- (d) The activity is in keeping with the Comprehensive Plan.

STAFF: In general, preliminary soil and slope evaluation demonstrates that the proposal is in conformance with the policies of the Comprehensive Plan as construction methods have been provided to minimize property damage and environmental degradation related to disturbance of steep slopes. While some buildable lots are being placed in areas of concern, the majority of home construction will occur outside the areas of steeper slopes.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Major Preliminary Subdivision (Conservation)** with review of land disturbing activity on slopes greater than 20%.

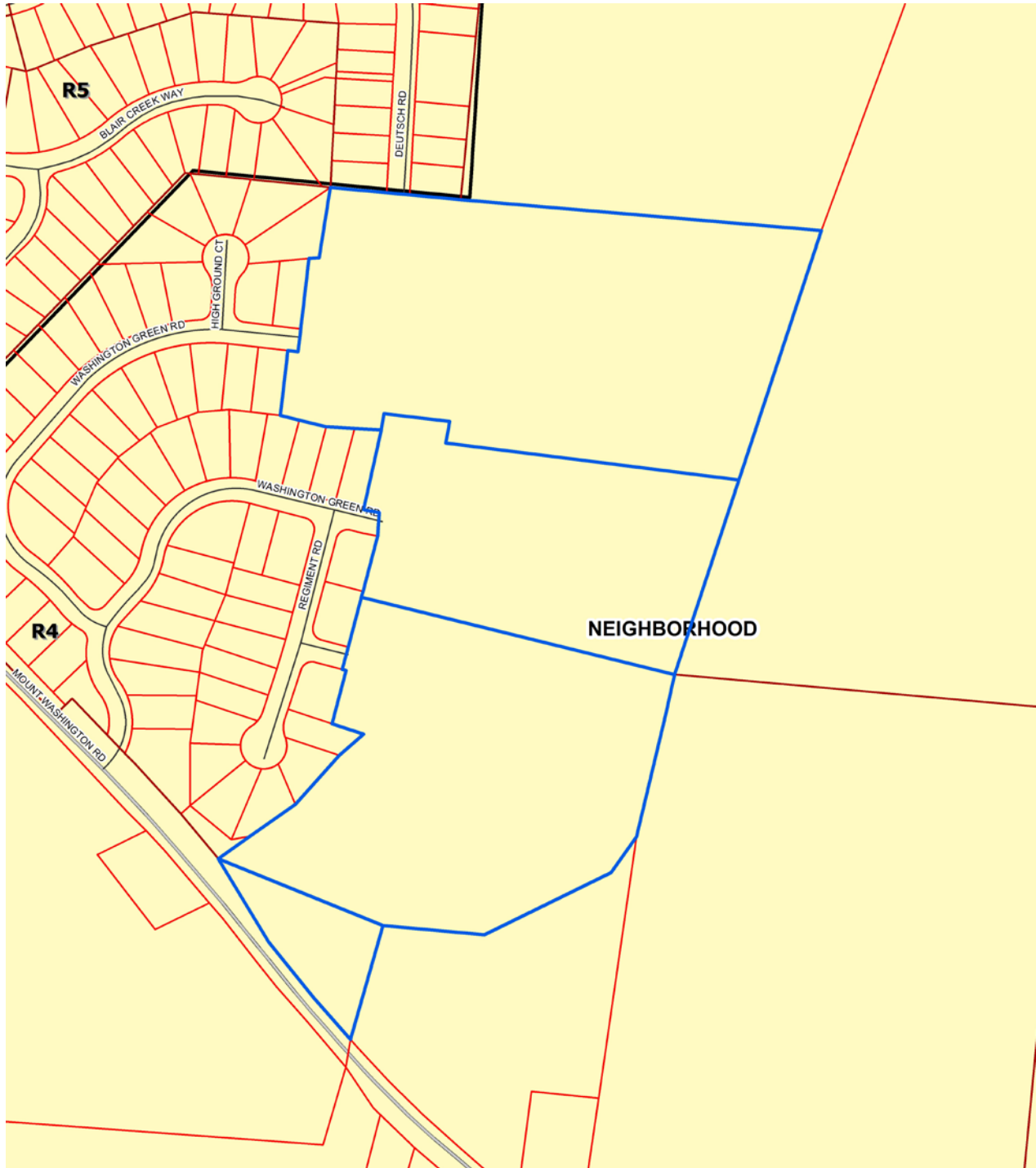
NOTIFICATION

Date	Purpose of Notice	Recipients
5-31-19	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23

ATTACHMENTS

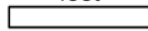
1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval with proposed changes
4. Proposed Conditions of Approval

1. Zoning Map



19SUBDIV1004

feet



250

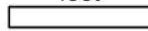
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2. Aerial Photograph



19SUBDIV1004

feet



250

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3. Existing Conditions of Approval with proposed changes

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. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect 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 the Planning Commission staff's landscape architect 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.
3. 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.
4. 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."
5. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. 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.
7. 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."

8. 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.
9. Potential buyers of lots 49 and 50 ~~47-49~~ shall be notified of the location of the Texas Gas Easement on the rear of these lots, and language describing the location of the easement through these lots will be provided in the deeds.
10. The existing vegetation along the north right-of-way of Mt. Washington Road shall be maintained unless it is required to be removed for Mt. Washington Road widening, future utilities or at the request of any governmental agencies.
11. At such a time that Metro Parks is ready to construct the proposed pedestrian connection as shown on the McNeely Lake Park master plan, the developer, its successors and assigns shall work with Metro Parks to find an appropriate route across the open space lot adjacent to the park.
12. A Conservation Area Management Plan shall be submitted in conjunction with Staff's review of the Record Subdivision Plat. The Management Plan shall be in compliance with the approved Conservation Subdivision Plan and Land Development Code, Section 7.11.8. Legal restrictions, ownership, and the Conservation Area Management Plan shall be subject to review and approval by the Planning Commission Legal Counsel.
- ~~13. The plan will be updated to show the proposed sidewalks along Mt. Washington Rd and to show potential connection for park access around lots 24, 25 or 26.~~ **The applicant will add a note to the plan indicating a location for potential connection for park access at the end of Court B.**
14. **Prior to the recording of the record plat, a street name change shall be recorded for the section of Campfire Ct to change the name to Washington Green Rd as shown on the approved preliminary plan.**

4. Proposed Conditions of Approval

3. 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.
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 - 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.

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