

Land Development and Transportation Committee
Staff Report
September 28, 2017



Case No:	17SUBDIV1007
Project Name:	Washington Green
Location:	6307 Mt Washington Rd
Owner(s):	Wright Construction & Development
Applicant:	JS Acquisitions
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jay Lockett – Planner I

REQUEST(S)

- Major preliminary Conservation Subdivision to create 72 buildable lots on 28.11 acres.

CASE SUMMARY/BACKGROUND

The site was previously the subject of a standard R-4 Major Preliminary Subdivision under docket 10-34-02. Section 1 of that subdivision, also called Washington Green has been constructed to the west of the subject site. This section of the site is being proposed under the Conservation Subdivision standards found in Land Development Code section 7.11.

This case was presented before the Land Development and Transportation Committee on August 24, 2017. Committee members took issue with the street layout, noting that the original Washington Green Road was planned as a large loop with existing addresses assigned accordingly, and the layout as presented could potentially create confusion in the addressing scheme. There was a concern that such confusion could lead to a dangerous delay in a potential emergency response situation. As a result of these concerns, the case was continued to the September 28 meeting of the Land Development and Transportation Committee in order to allow the applicant time to rework the proposed street network to address the concerns of the committee.

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. By utilizing the conservation subdivision regulations, the proposal claims 9 bonus lots, for a total of 72. 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.

TECHNICAL REVIEW

Per the standards of 7.11.7.C, the applicant will be responsible for connecting a pedestrian pathway to the trail system that is proposed on the McNeely Lake Park master plan, at such time that trail system is developed.

The preliminary subdivision adheres to all applicable Land Development Code and Cornerstone 2020 policies, and has received preliminary approval from Transportation Planning and the Metropolitan Sewer District.

CONSERVATION SUBDIVISION CREDIT TABLE

Conservation Space Required	367,351 SF (30%)
Conservation Space Provided	370, 802 SF (30.2%)
Full Credit Conservation Area	201,217 SF
Half Credit Conservation Area (credit)	339,170 SF (169,585 SF)
Tree Canopy Required	183,676 SF
Tree Canopy Provided	309,245 SF
Standard Layout Lots Allowed	63
Open Space Credit Lots (5%)	3
Tree Canopy Credit Lots (10%)	6
Total Buildable Lots Allowed Under 7.11	72
Lots Requested	72

INTERESTED PARTY COMMENTS

Staff received correspondence from the existing Washington Green homeowners association, expressing some concern about the compatibility of the two sections of the development, as well as open space maintenance requirements.

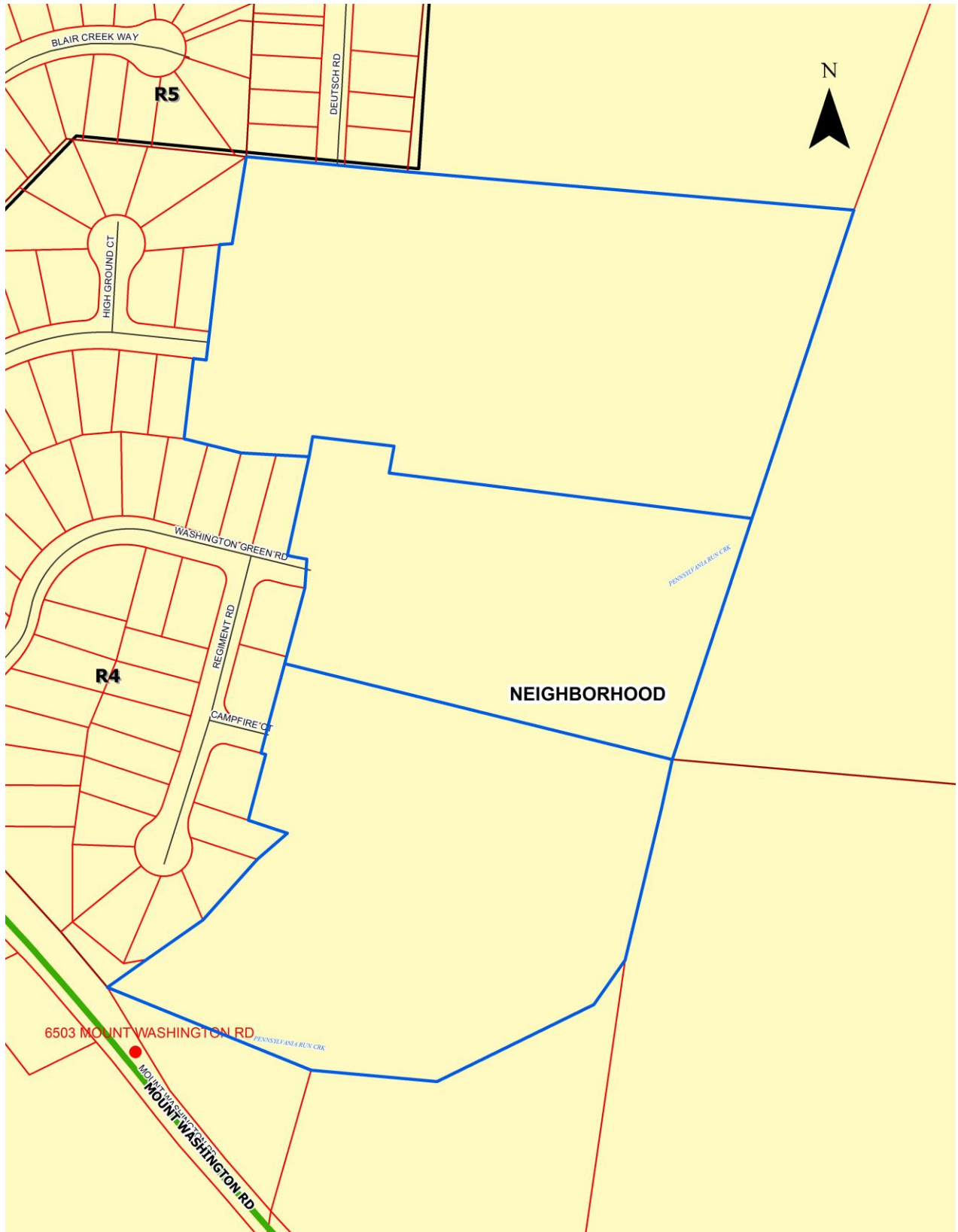
NOTIFICATION

Date	Purpose of Notice	Recipients
5-9-17	Neighborhood Meeting	1 st tier adjoining property owners, residents of existing Washington Green Subdivision
8-11-17	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23

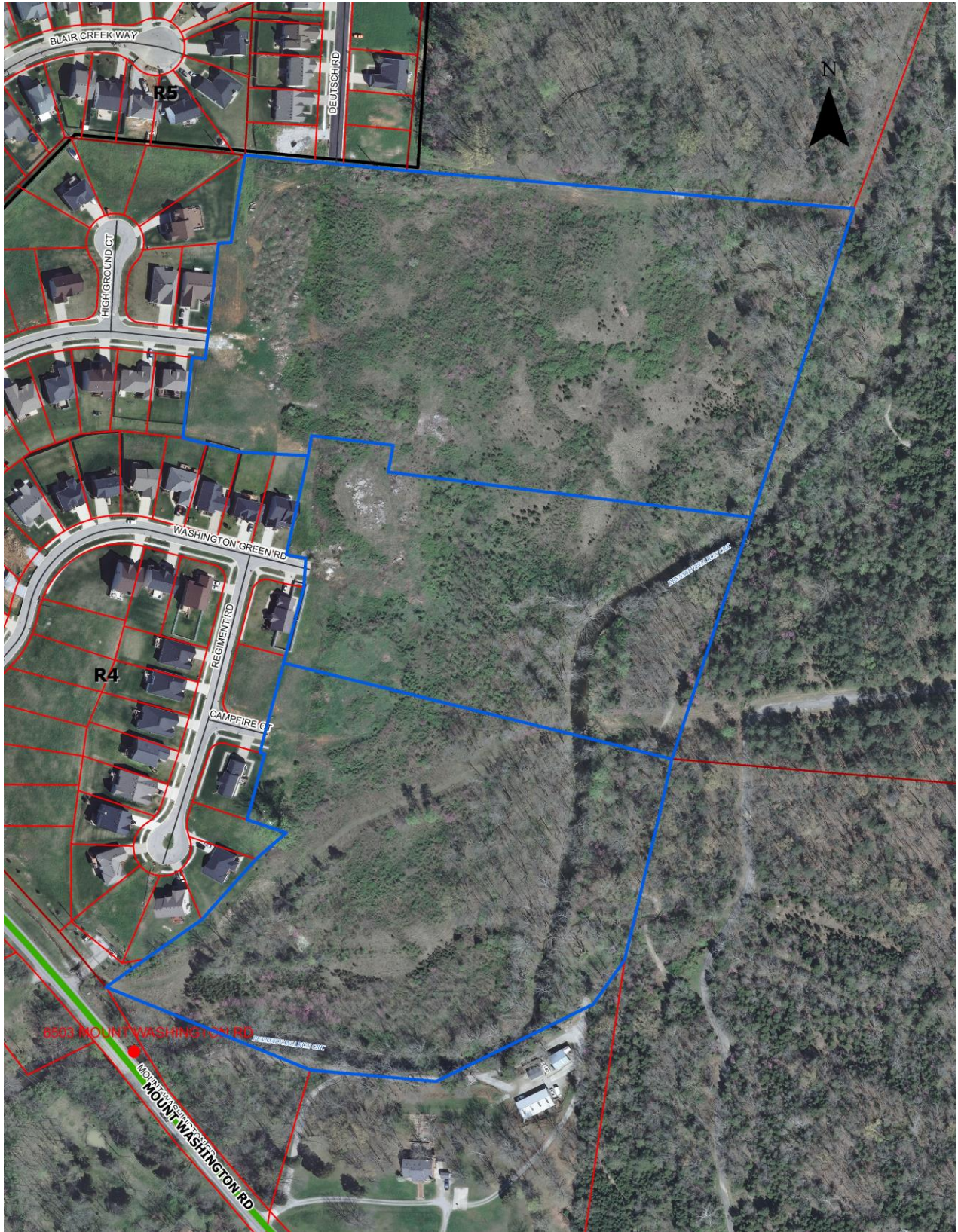
ATTACHMENTS

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

1. **Zoning Map**



2. **Aerial Photograph**



3. Existing 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. 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. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

8. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.
9. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, or for the installation of sewer or drainage facilities.
10. 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."
11. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.
12. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval.
13. 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.
14. Potential buyers of lots 19 and 20 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.
15. Mount Washington Road shall be widened to a minimum width of 24 feet of asphalt with a four foot shoulder across the entire frontage of Washington Green from Cooper Farm's property line to Pennsylvania Run Creek. These improvements may be made on the south side of Mt. Washington Road if right-of-way is available or acquired by a governmental body. The pavement cross section and all improvements shall meet the requirements of the Kentucky Department for Highways. The road improvements shall be completed before the issuance of the first certificate of occupancy for Washington Green.
16. 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.
17. The applicant shall submit, prior to recording the record plat, a landscape plan to be approved by DPDS staff for the subdivision's frontage along Mt. Washington Road to buffer the rear of the houses from the Mount Washington Road. The landscaping may be placed on either the north or south side of the required sewer and drain easement. At a minimum, the landscape plan shall contain a mixture of 8 to 10 foot white pine and hemlock trees spaced every 25 feet, with either a broad-board fence or three-foot berms to define the landscaping area. The fence/berms and plantings shall be installed on the site prior to the issuance of the first certificate of occupancy for Washington Green.

Proposed Conditions of Approval (Applicable to this section of the subdivision only.)

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. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.~~

- ~~8. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.~~
- ~~9. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, or for the installation of sewer or drainage facilities.~~
10. 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."
- ~~11. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.~~
- ~~12. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval.~~
13. 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.
14. Potential buyers of lots ~~19 and 20~~ **49 and 50** 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.
- ~~15. Mount Washington Road shall be widened to a minimum width of 24 feet of asphalt with a four foot shoulder across the entire frontage of Washington Green from Cooper Farm's property line to Pennsylvania Run Creek. These improvements may be made on the south side of Mt. Washington Road if right-of-way is available or acquired by a governmental body. The pavement cross section and all improvements shall meet the requirements of the Kentucky Department for Highways. The road improvements shall be completed before the issuance of the first certificate of occupancy for Washington Green.~~
16. 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.
- ~~17. The applicant shall submit, prior to recording the record plat, a landscape plan to be approved by DPDS staff for the subdivision's frontage along Mt. Washington Road to buffer the rear of the houses from the Mount Washington Road. The landscaping may be placed on either the north or south side of the required sewer and drain easement. At a minimum, the landscape plan shall contain a mixture of 8 to 10 foot white pine and hemlock trees spaced every 25 feet, with either a broad board fence or three foot berms to define the landscaping area. The fence/berms and plantings shall be installed on the site prior to the issuance of the first certificate of occupancy for Washington Green.~~

18. 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.
19. 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.