

Planning Commission

July 7, 2016



Case No:	16AMEND1008
Project Name:	Conservation Subdivision LDC Text Amendment
Case Manager:	Brian Davis, AICP, Planning Manager

REQUEST

Amend the Land Development Code Related to Conservation Subdivisions.

SUMMARY

The Land Development Code (LDC) defines a conservation subdivision as:

A contiguous area of land to be planned and developed as a single entity in which buildings are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally be applied following conventional Subdivision regulations, allowing for the flexible grouping of structures in order to conserve open space and existing natural resources.

In short, a conservation subdivision is an option that allows a developer to maintain or increase his or her lot count for a given piece of property, compared to developing a conventional subdivision, in exchange for providing common open space that is set aside in perpetuity along with other natural site amenities.



Conventional subdivision with no required conservation areas or common open space



Conservation subdivision with required conservation areas and common open space

Chapter 7.11 of the LDC contains provisions for conservation subdivisions and is generally divided into applicability, review procedures, open space design standards, and dimensional and density requirements. The majority of the proposed amendments in relate to design standards and density requirements.

As a way to get community input in the drafting of the proposed amendments, Planning and Design Services Staff worked with an informal task force consisting of a Metro Council member, Planning Commission member, attorneys, a design professional, environmental advocates and concerned residents. The task force met six times from late March to mid June 2016.

The current regulations and the draft regulations require a developer of a conservation subdivision to set aside certain environmental features, known as conservation areas, so that more residential lots may be developed than would have been allowed under a conventional subdivision. The draft regulations retain the current minimum conservation area to be set aside for the development, 30 percent of the subdivision's acreage, but unlike the existing regulations, it does not calculate the permitted density, or lot yield, of the subdivision in such a way that penalizes the developer the more conservation area he or she sets aside. Instead, the draft encourages increased environmental features in the subdivision by awarding lot yield bonuses based on the following types of preserved features: conservation area, tree canopy, individual conservation trees, and green infrastructure design.

The following are a summary of some concerns of task force members and how the proposed draft addresses those concerns:

Task Force or Staff Concern	Proposed Amendment
Provide enough of a lot yield bonus so that conservation subdivisions will still be used	Amendment has had significant input from a variety of stakeholders
Do not provide so much of a bonus that the conservation subdivision is out of character with its surroundings	Density is capped at 135% of what would be allowed with a conventional subdivision
The finished subdivision should be discernable as a real conservation subdivision, rather than looking very much like a conventional subdivision	Greater lot yield bonuses are provided if additional conservation areas are set aside beyond the minimum, if tree canopy and large trees are preserved, and if green infrastructure design techniques are used
Conservation Area credit is being received for areas that have to be preserved anyway, without using a conservation subdivision	Environmental features that are already required to be undeveloped, such as steep slopes and wetlands, only receive ½ of the conservation area credit that preserved buildable environmental features receive
The density calculation should be simpler and understandable by everyone	Rather than a complicated formula, the proposed density calculation is based on the lot count for a conventional development of the same property, with lot yield bonuses added for increased preservation of natural features and use of green infrastructure design
A developer should not be penalized for having primary conservation area on the site, as under the current density calculation	Lot yield bonuses significantly increase when tree canopy preservation meets or exceeds 45%
Do a better job of preserving tree canopy in light of the Mayor's 45% tree canopy goal	Lot yield bonuses significantly increase when tree canopy preservation meets or exceeds 45%

The Planning Committee met on this case on June 30, 2016, discussed potential changes to the draft, and received public comments. Unofficial minutes are included with this Staff Report in **Attachment 1**.

APPLICABLE PLANS AND POLICIES

These amendments to the LDC text are consistent with the following policies of Cornerstone 2020.

Community Form, Guideline 4, Open Space (including Policies 1 through 9) “Ensure well-designed permanently protected open space that meets community needs.”

Community Form, Guideline 5, Natural Areas and Scenic and Historic Resources (including Policies 1 through 6) “Protect natural areas, natural features and important scenic and historic resources. Locate development, whenever, possible, in areas that do not have severe environmental limitations.”

Livability and Environment, Guideline 13, Landscape Character (including Policies 1 through 6) “Protect and enhance landscape character.”

Livability Strategy, Goal F2 “Enhance, preserve and restore the natural landscape character of Jefferson County.”

Livability Strategy, Goal F4 “Strive to preserve and protect trees through careful site design, construction planning, and tree replacement and reforestation techniques.”

NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

STAFF CONCLUSIONS

The proposed amendments, as set forth in **Attachment 3**, would refine the existing conservation subdivision regulations in the LDC to address the current concerns of both the development community and local environmental and residential stakeholders. The proposed amendments provide greater development incentives for environmentally sensitive design and greater assurance to the public that the conservation subdivision will be environmentally sensitive.

Staff makes these LDC text amendment recommendations related to conservation subdivision provisions in light of the following:

WHEREAS, the Planning Commission finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 4, Open Space. The proposed amendments maintain and enhance the existing open space preservation requirements.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 5, Natural Areas and Scenic and Historic Resources. The proposed amendments require or encourage the protection of natural or scenic assets.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability and Environment, Guideline 13 and Livability Strategy, Goal F2. The proposed amendments encourage and require preservation of natural landscape character and

allow for designed enhancements to the natural features of a site in the form of street trees, buffers, and other improvements.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability Strategy, Goal F4. The proposed amendments contain incentives to preserve both large stands of trees and individual specimens.

ATTACHMENTS

1. Unofficial Planning Committee Minutes from June 30, 2016
2. Interested Party Comments
3. Draft Conservation Subdivision LDC Text Amendment