

Development Review Committee
Staff Report
June 14, 2017



Case No:	17DEVPLAN1016
Project Name:	Wildwood Green
Location:	6005 Fegenbush Ln
Owner:	Wildwood Green
Representative:	Amy Cooksey - Mindel Scott and Associates
Project Area/Size:	48.21 Acres
Existing Zoning District:	R-6/R-7
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	2-Barbara Shanklin
Case Manager:	Jay Luckett – Planner I

REQUEST

- **Revised District Development Plan**

CASE SUMMARY

The subject site occupies portions of parcels totaling 48.21 acres in the Neighborhood Form District and with frontage on Hurstbourne Parkway and a proposed access out to Fegenbush Lane. The applicant is proposing 496 apartments. Most of the site is currently under agricultural use and is bordered by Fern Creek, a blueline stream, on its southeastern side. The area planned for development is gently to moderately sloped and covered by wheat fields. The property gets steeper as it slopes toward Fern Creek and is wooded along this stream corridor.

The subject site is located at the eastern edge of a large area of Suburban Workplace Form District that contains GE Appliance Park on the west side of Fegenbush Lane. The form district changes from Suburban Workplace to Neighborhood at the north, east and west property lines of the subject parcels. To the immediate north and northeast is a private golf course (Woodhaven Country Club). The Fern Creek stream bed meanders along the southeastern border of the property all the way to Hurstbourne Parkway. On the other side of Fern Creek is Quail Run subdivision zoned R-6. To the southwest is the remainder of the original R-4 parcel that contains Patriots Crossing Trail, an access easement serving this site. Further west across Fegenbush Lane is the GE complex. To the northwest is an R-4 zoned property upon which a school (Academy of our Lady of Mercy) occupies. North of this school is the R-7 zoned Woodhaven Place that is developed as single-family subdivision.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-6/R-7	N
Proposed	Apartments	R-6/R-7	N
Surrounding Properties			
North	Golf Course	R-4	N
South	Vacant/Single Family Residential	R-4	N
East	Golf Course	R-4	N
West	School/Vacant	R-4	SW

PREVIOUS CASES ON SITE

9022 - The site was rezoned in 2007 from R-4 to R-6/R-7.

13DEVPLAN1035 – Revised District Development Plan

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP and AMENDMENTS TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site is preserving 12% of the sites tree canopy. The site plan allows for an encroachment of two buildings and a retaining wall into a stream buffer by providing a 23759 SF compensation area.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The proposal indicates vehicle and pedestrian connectivity from Hurstbourne Parkway and along the access road along Fegenbush. Sidewalks are found throughout the site. Transit is not currently available along this portion of Hurstbourne to support the density of the proposal. The applicant has agreed to provide a concrete pad for a future bus stop per TARC recommendations.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal meets the open space requirement for the site.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: MSD has preliminarily approved the proposal.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: An existing access road will connect the site to the adjacent undeveloped R-4 lot to the south west. All required landscape buffers are being provided.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal conforms to the requirements of the LDC and guidelines of the Comprehensive Plan.

TECHNICAL REVIEW

- All agency comments have been addressed.

STAFF CONCLUSIONS

The proposal meets the requirements of the LDC.

Based upon the information in the staff report, the testimony and evidence provided, the Development Review Committee must determine if the proposal meets the standards for approving a Revised Development Plan established in the Land Development Code.

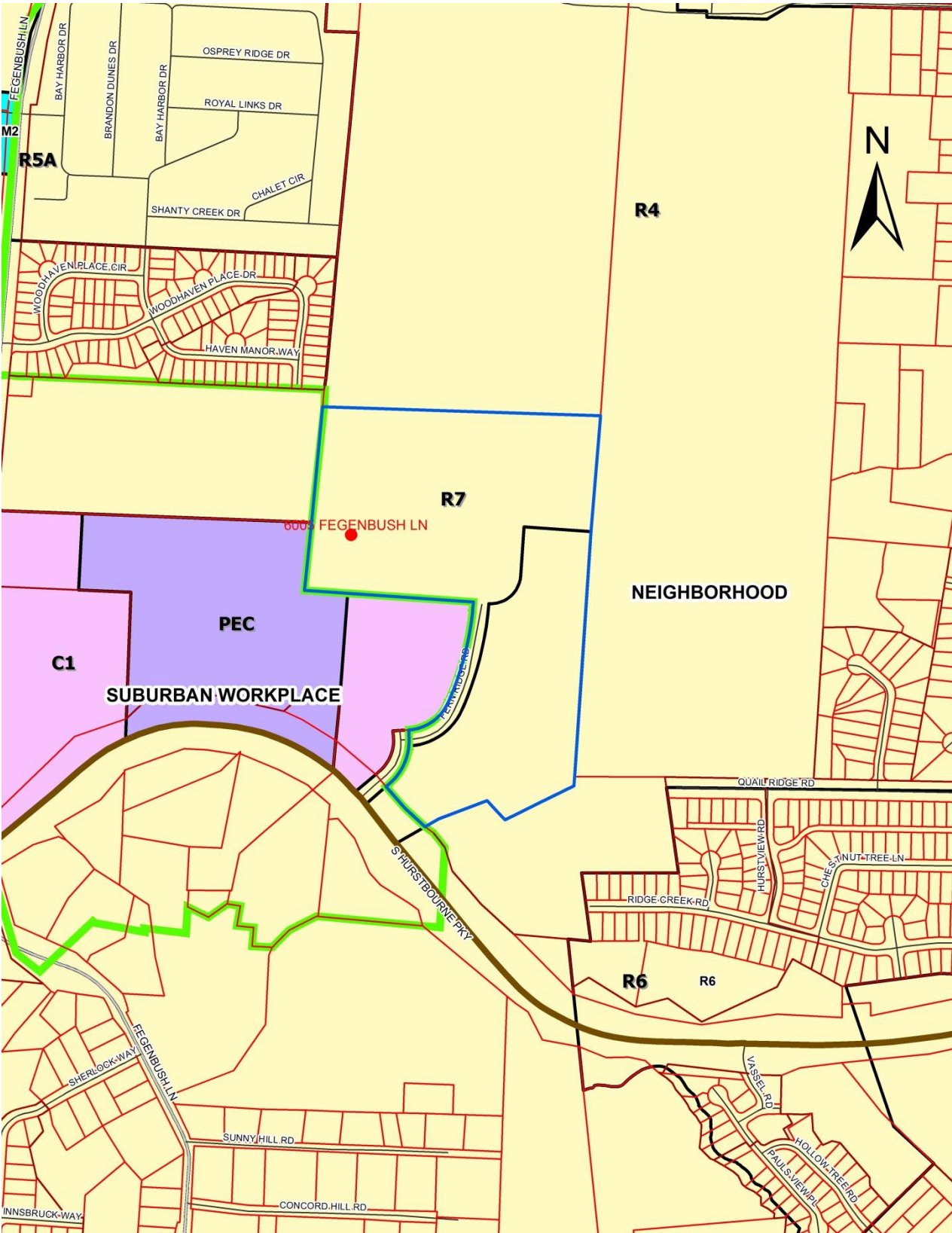
NOTIFICATION

Date	Purpose of Notice	Recipients
05/31/17	Hearing before DRC on 6/14/17	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 2 Notification of Development Proposals

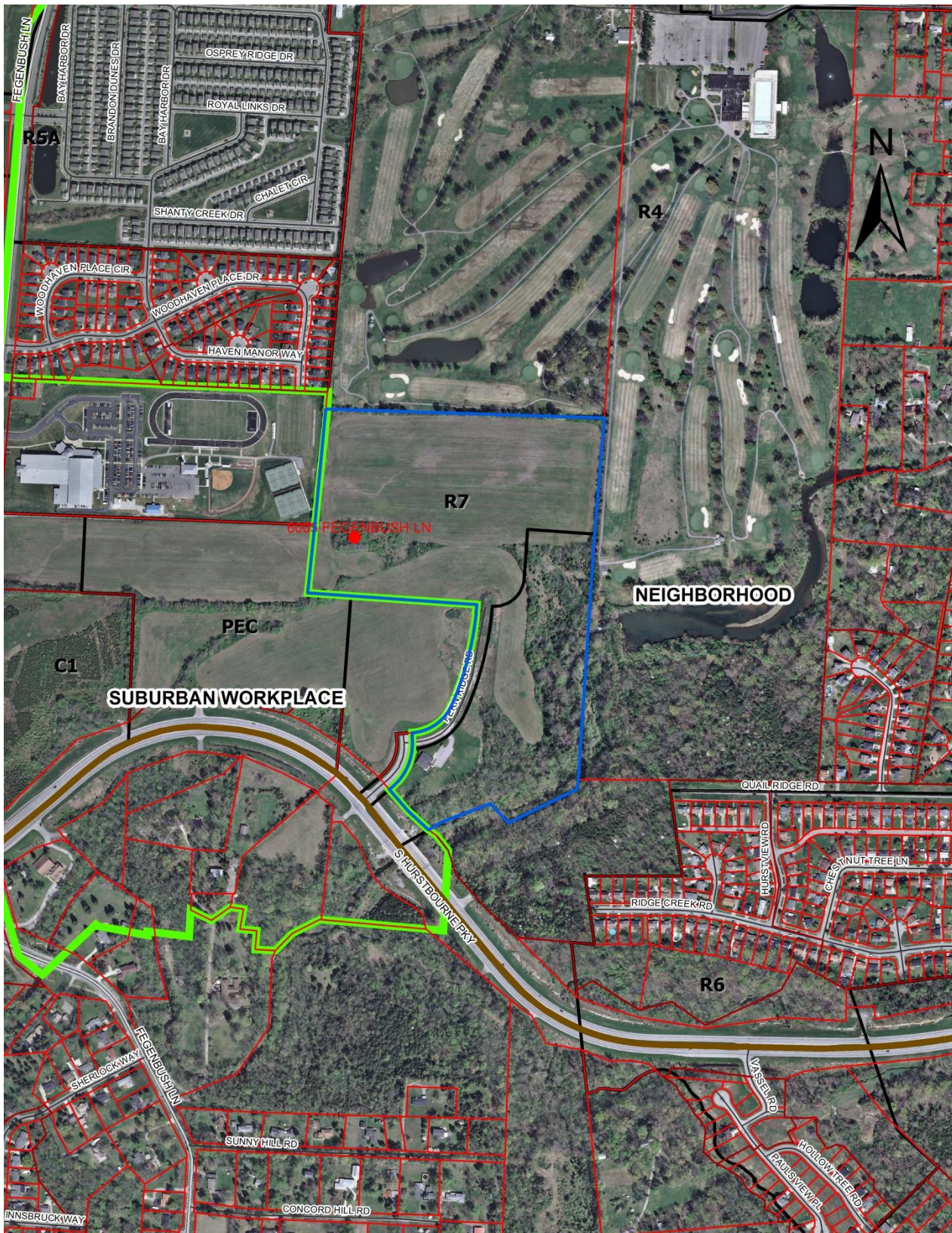
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing/Proposed Binding Elements

Zoning Map



Aerial



Existing Binding Elements with Changes

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The applicant shall submit a plan for approval by Planning Commission staff 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 Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 4. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. 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.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. All street signs shall be installed by the Developer, and shall conform with 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 1, 2015~~ **June 14, 2017** Development Review Committee meeting.
9. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
10. Wildwood Green LLC, or its successor Hurstbourne Corporate Group, and Mercy Academy shall negotiate a resolution regarding fencing along the north side of the access road easement from the subject property to Fegenbush Road. If the resolution regarding the fencing cannot be reached between the parties, the applicant shall present alternative screening measures to the Commission or its Committee thereof.
11. An eight-foot, solid wood fence will be provided along the north property line, beginning at the intersection of the property line and the Texas Gas easement adjacent to Building ~~48~~ **27**, and continue along the property line ending at the southern point close to Building ~~29~~ **15**.
12. Secondary access point shall be constructed prior to issuance of building permits for more than ~~499~~ **181** units

Proposed Binding Elements

13. **The Developer agrees to limit the Development to 181 units until which time the Fegenbush Left Turn Lane improvements are finalized and bonded with Metro Public Works.**
14. **Prior to the development of the C-1 zoned site to the west, Patriots Crossing Way shall be dedicated to public ROW.**