

Planning Commission Staff Report

November 16, 2017



Case No:	17SUBDIV1011
Project Name:	Johnson Rd Conservation Subdivision
Location:	1313 Johnson Rd
Owner(s):	The Margaret Kleinert trust
Applicant:	Inverness Homes
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett – Planner I

REQUEST(S)

- Conservation Subdivision to create 323 buildable lots on approximately 115.58 acres in the R-4 zoning district.

CASE SUMMARY/BACKGROUND

The applicant is proposing to develop a large vacant agricultural tract under the Conservation Subdivision regulations contained in Land Development Code section 7.11. The site is located on Johnson Rd between Shelbyville Rd and Aiken Rd in eastern Jefferson County.

The case was originally heard at the September 14, 2017 meeting of the Land development and Transportation Committee. Kentucky Transportation Cabinet had requested an expanded scope of the traffic impact study for the site, and had not yet been able to make a final determination whether any infrastructure improvements would be necessary for this development. The case was continued to the September 28 meeting in order to give the applicant time to complete the requested study and allow for KYTC to review it.

The case was further continued to the October 12, 2017 meeting of the Land Development and Transportation Committee at the request of the applicant in order to allow for more time to complete the required traffic impact study. At that hearing, the case was continued to be placed on the docket of the Planning Commission for a public hearing.

STAFF FINDING

The site has some environmental constraints, including some areas of wetlands and ponds. Brush Run Creek borders the site along the eastern side. The use of the conservation subdivision rules will allow for a more clustered development pattern, and will preserve large areas of land as conservation areas and open space. By utilizing the conservation subdivision regulations, the proposal claims 7 bonus buildable lots, for a total of 323. The amount of preserved space under the Conservation Subdivision rules would allow up to a potential 364 lots. 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 development is within the bounds of Eastwood as described by the 2005 Eastwood Neighborhood Plan, but there are no specific recommendations for this property. That plan mainly concerns the area covered by the Village Form District centered on Shelbyville Rd.

TECHNICAL REVIEW

The Floyd’s Fork Development Review Overlay affects a portion of the site. 13 Buildable lots are within the boundaries of the overlay. Any Signature entrances would have to adhere to the standards of the overlay contained in Land Development Code Section 3.1.7.D. A 60 foot scenic corridor buffer is being provided along Johnson Road in conformance with requirements of section 3.1.7.A.

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.

The applicant has completed the required Traffic Impact Study. KYTC has accepted the recommendation of the study to construct a dedicated right turn lane on Aiken Rd at the intersection with Johnson Rd.

CONSERVATION SUBDIVISION CREDIT TABLE

Conservation Space Required	1,525,420 SF (30%)
Conservation Space Provided	1,526,486 SF (30%)
Full Credit Conservation Area	1,233,791 SF
Half Credit Conservation Area (credit)	585,390 SF (292,695 SF)
Tree Canopy Required	762,710 SF
Tree Canopy Provided	930,786 SF
Standard Layout Lots Allowed	316
Open Space Credit Lots (5%)	16
Tree Canopy Credit Lots (10%)	32
Total Buildable Lots Allowed Under 7.11	364
Lots Requested	323

INTERESTED PARTY COMMENTS

Staff has received inquiries and letters of opposition from several interested parties. The concerns mainly focused on the potential for significantly increased traffic and congestion, as well as potential increase of runoff into the Floyd’s Fork watershed.

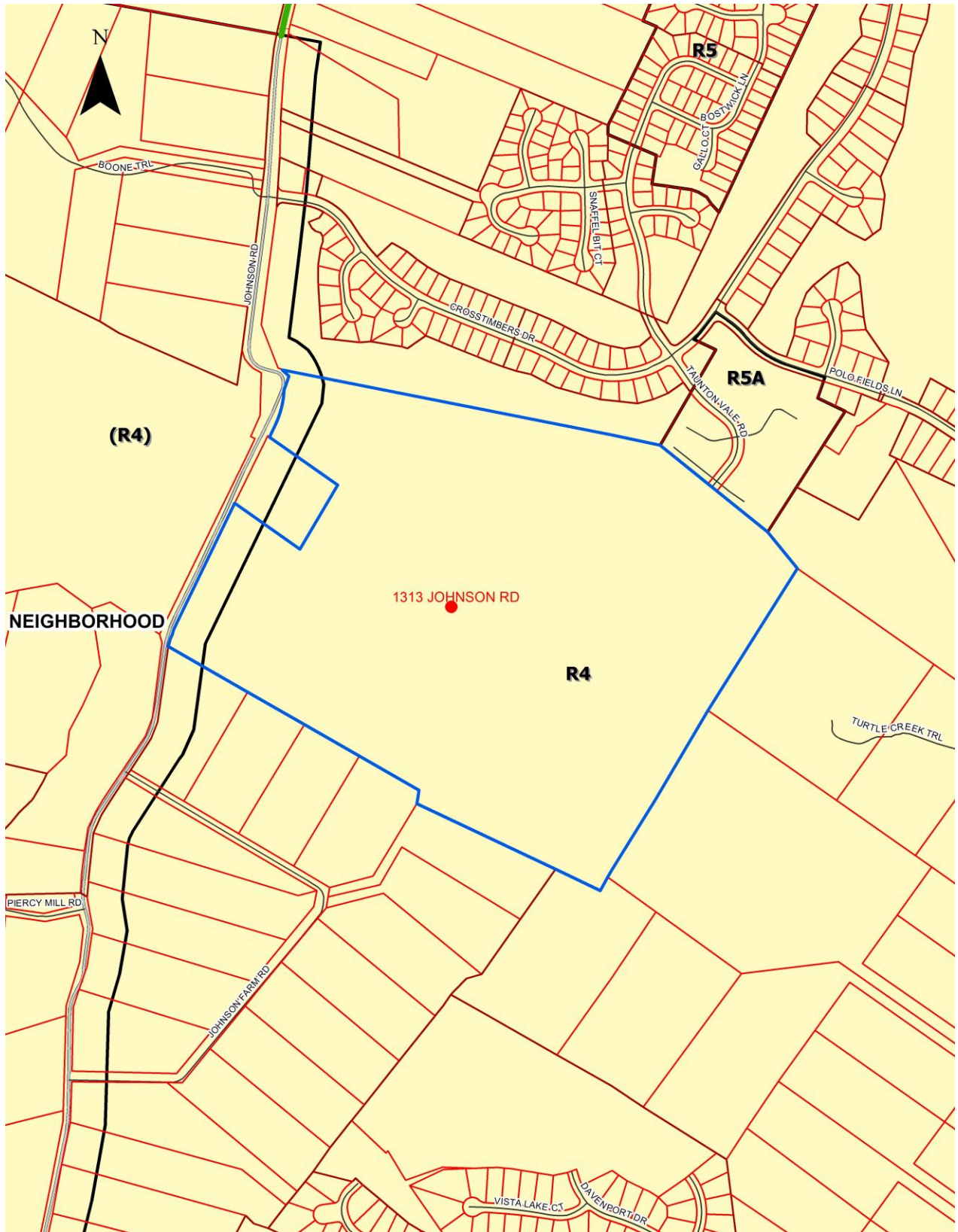
NOTIFICATION

Date	Purpose of Notice	Recipients
6-15-17	Neighborhood Meeting	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
8-28-17	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19
10-19-17	Hearing before Planning Commission	1st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Proposed 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. 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. Any proposed signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.
9. Any proposed signature entrance proposed within the Floyd's Fork Development Review Overlay shall adhere to the standards for signature entrances described in LDC Overlay standards.
10. 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.
11. Potential buyers of lots that are crossed by the Western KY Gas/Atmos Energy Easement shall be informed of the location of the easement, and language describing the location of the easement through these lots will be provided in the deeds.
12. The applicant shall coordinate with Planning and Design Services landscape architecture staff to ensure appropriate fast growing native trees and shrubs are provided within the 60' scenic corridor buffer along Johnson Rd per LDC requirements for the Floyd's Fork Development Review Overlay.
13. 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.