

# Pre-App Staff Report Staff Report



<b>Case No:</b>	21-ZONE-0053
<b>Project Name:</b>	De Luna Villaflor Subdivision
<b>Location:</b>	3133 Bushmill Park
<b>Owner(s):</b>	Equity Trust Company
<b>Applicant:</b>	Brentwood Properties
<b>Representative(s):</b>	Miller-Wihry
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Marcus Winkler
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-7 to UN
- **Amendment to Record Subdivision Plat**
- **Variance** from Land Development Code (LDC), section 5.3.1.C to reduce the side yard setback on both sides of the shared lot line between lots 1 & 2
- **Waiver** of LDC, section 7.8.60.B to allow less than 25' of frontage on a public or private street and more than 20 lots on a private street
- **Detailed District Development Plan**

## CASE SUMMARY

The proposal will allow for the subdivision of the development site into 3 tracts of 3,200 sq. ft. each. An attached unit will be provided on each lot proposed. The site is located roughly ¼ mile south of Westport Road in a residential area on the west side of Freys Hill Road between N. Hurstbourne Parkway and I-265.

Twenty “innovative residential development” lots were initially approved and recorded along Bushmill Park in 1984. Several waivers specifically authorized by the innovative residential development standards were approved in Planning Commission docket 10-02-83, including lot area, yard, and setbacks. From the time of recording of the initial 20 lots through 2003, a series of minor subdivisions were approved, resulting in a current total of 59 lots along Bushmill Park. The innovative development regulations are no longer applicable and did not carry forward into the 1<sup>st</sup> edition of the Land Development Code in 2003. A zoning change, amendment to record plat, waivers, and variances are now necessary to create these lots and develop the site similarly to the neighborhood.

## STAFF FINDING

The application is in order and ready for the next available public hearing before the Planning Commission.

## STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

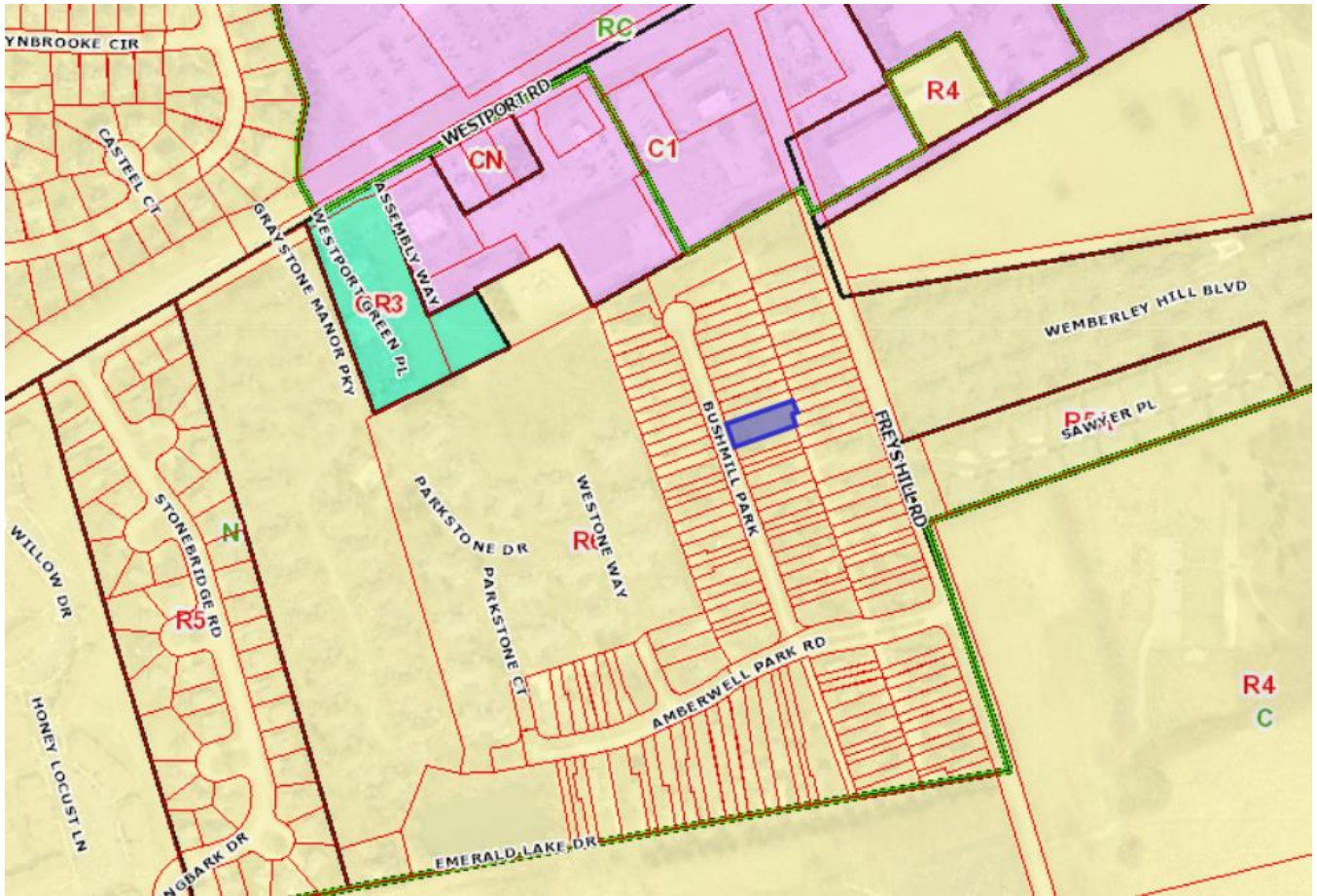
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7/28	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph





**3. Proposed Binding Elements**

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. 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits, except that grading/clearing and foundation only permits may be issued to ensure the accuracy of property lines as they relate to common side walls for residential units. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.