

### **Case No. 18ZONE1009 Findings of Fact**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1 – Community Form because the subject property which is located in the Neighborhood Form District, is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback; pedestrian and bicycle accommodations are being provided; this proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed; the applicant also could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could have applied for "PRD" rezoning, but those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations; and furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5, R-5A, or comparable; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3 – Compatibility because the zone change and subdivision DDDP complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 21, 22, 23 and 25 of Guideline 3 because this low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area; setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply; sidewalks are being added throughout most of the development and buffers are also being provided; the design of the homes is high quality and will value the homes consistently with the surrounding residential areas; the detailed district development/preliminary subdivision plan (DDDP), PowerPoint and exhibit books presented at the Planning Commission Public Hearing further demonstrate the foregoing; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 4 and 5 – Open Space / Natural Areas and Scenic and Historic Resources. The zone change and subdivision DDDP comply with all applicable Intents and Policies 1, 2, 5, 6, and 7 of Guideline 4 and Policy 1 of Guideline 5 because this standard single-family subdivision includes protected perimeter open space at Shaffer Lane and also will protect some natural resources and features, notably trees buffering the site where possible to assure good transitions and buffers to neighboring properties; and the homeowners' association will maintain the open space area as shown on the DDDP; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6 – Marketplace. The zone change and subdivision DDDP complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 because this land is surrounded by like-kind subdivisions which makes this site an infill single-family residential site, appropriate for the area the larger community, where new single-family housing is in greatest demand; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 7 and 8– Circulation and transportation facility design; GUIDELINE 9 - Bicycle, Pedestrian and Transit; and GUIDELINE 12 – AIR QUALITY. The zone change and subdivision DDDP complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, 16, and 18 of Guideline 7; Policies 3, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6 and 8 of Guideline 12 because this subdivision is situated on a secondary

collector street (Shaffer Lane) where sewer, water and other utilities already exist, and where road capacity exists; further, this DDDP has received the preliminary stamp of approval by Metro Transportation Planning and Public Works personnel, prior to its docketing for Planning Commission review; all of which assures that the applicable Public Works' standards are complied with, including regulatory standards of the Land Development Code (LDC); and

**WHEREAS**, the zone change and subdivision DDDP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets, to function at relatively low volumes, as neighborhood serving streets are expected to function; thus, negative internal traffic impacts are avoided with this proposed subdivision; and, as noted, design of the site, as shown on the DDDP accompanying this application assures that matters such as corner clearances, driveway access, median openings, cross connections, and the like are provided as required; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 10 and 11 – Stormwater and Water Quality. The zone change and subdivision DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 9, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD requires that post-development peak rates of storm water runoff do not exceed pre-development peak flows, which is accomplished through on-site detention; new impervious areas will not have a negative impact on existing storm water systems; also, the DDDP has received MSD's preliminary stamp of approval; and at time of construction, the proposed subdivision will include water quality measures addressing the new MSD water quality standards and any new construction will comply with MSD's soil erosion and sediment control standards; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13 – Landscape Character. The zone change and subdivision DDDP complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requiring tree canopies, certain kinds of interior and perimeter landscaping will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 1: Community Form because the subject site is surrounded by lower density subdivisions and would create an inter-connected slightly higher density development; the gross density proposed is 4.28 du/ac and the net density is 5.18 du/ac which is considered to be low density residential and similar to the maximum density of the existing zoning district which is 4.84 du/ac. The requested district would allow for lot sizes to be a minimum of 6,000 sq. ft.; the proposed lots are for single-family residential use only and will comply with LDC 5.4.2; and Neighborhood streets are designed to invite human interaction and easy access as sidewalks are provided throughout; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2 – Centers because the proposed rezoning is for low-density (7.26 du/ac) single-family subdivision; The proposed density is higher than that of surrounding developments and utilizes the land area in a manner that compatible with adjacent R-4 districts, while also continuing the hierarchy of the street grid and infrastructure; the sharing of entrance and parking facilities to reduce curb cuts and surface parking is provided as the Subdivision will connect to an existing subdivision and provide future access to adjacent lands; utility easements to provide access for maintenance and to provide services in common for adjacent developments has been provided;

Single-family lots will be served by a local road; and sidewalks are provided throughout the subdivision to allow for ease of access; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed subdivision is for single-family residential use only; Residential development will occur in accordance with the residential site design standards of LDC 5.4.2.; while the density will be increased slightly by the proposed zoning change all lots will be restricted to single family use only. Buffer yards will be provided to larger tracts of single-family lands; the proposal will not create significant amounts of traffic as it is for single-family use and has appropriate connections to roadways and adjacent lands; lighting will not exceed what is necessary for single-family residential use and safety; the proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern. The proposal introduces a smaller lot size pattern to surrounding low density residential subdivisions; the subject site is located along a collector level roadway; shopping and transit are available at Bardstown Road; smaller lot sizes are being proposed which aids in creating a variety of housing options to decreases the burdens of the cost of maintenance of land; surrounding uses are single family residential and compatible with the proposed development; surrounding uses are single family residential and compatible with the proposed development; setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards; and residential site design standards of LDC 5.4.2 are applicable; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because open space is not required in this form district for standard subdivisions, and tree canopy is being provided as required; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because the site does not appear to contain any sensitive natural features, nor does the site appear to have any historic or architectural features of significance; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Right-of-way will be dedicated and the site is within the SDC area; the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development from an adjacent subdivision to the collector roadway and a stub is provided to the East; and right-of-way dedication will be made; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. A Stub is provided to the east; the proposed zoning district is similar in intensity to surrounding areas and access to the site would not create a nuisance; the development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site; and the collector roadway provides primary access, a connection to adjacent single-family is provided to the North and a stub is provided to the east; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because the proposal provides, where appropriate, for the movement of pedestrians and bicyclists as sidewalks will be provided throughout; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because natural corridors are hindered by surrounding development and the interstate. The subdivision does not decrease connection; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because the precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers; the Fern Creek fire department has expressed no concerns and The proposal has access to an adequate supply of potable water and water for fire-fighting purposes; and the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed **Change in zoning** from R-4, Single-family Residential to R-5, Single-family Residential on property described in the attached legal description be **APPROVED**.