

# Land Development and Transportation

## Staff Report

June 11, 2015



<b>Case No:</b>	15zone1005
<b>Request:</b>	<b>Change in zoning from RR to R-4, Preliminary and Revised Conservation Subdivision Plan</b>
<b>Project Name:</b>	<b>Primrose Meadows Section 3</b>
<b>Location:</b>	<b>11700 Mary Morley Lane, 8812 Wooden Horse Drive, 11403/11405 English Garden Way, &amp; 8901 Thixton Lane</b>
<b>Owner:</b>	<b>Kevin and Lisa Goben; Ball Homes LLC</b>
<b>Applicant:</b>	<b>Ball Homes LLC</b>
<b>Representative:</b>	<b>Mindel Scott and Assoc.; Bardenwerper Talbott and Roberts</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>22-Robin Engel</b>
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planner II</b>

### REQUEST

- Change in zoning from RR to R-4
- Conservation Subdivision plan and Revised Preliminary Subdivision plan for Section 2

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: RR  
 Proposed Zoning District: R-4  
 Existing Form District: N  
 Existing Use: Vacant  
 Proposed Use: Single Family Residential

The proposed conservation subdivision is a new section of the previously approved Primrose Meadows. Sections 1A and 1B have been recorded and there are currently a total of 44 buildable lots out of the 100 buildable lots originally proposed. The Section 2 proposal is for 79 buildable lots with 3 open space lots of 6.8 acres. The Section 3 proposal is for 20 additional buildable lots and a 1.86 acre open space.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	RR	N
<b>Proposed</b>	Single Family Residential	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	N
<b>South</b>	Single Family Residential	RR	N
<b>East</b>	Single Family Residential	R-4/RR	N
<b>West</b>	Single Family Residential	R-4	N

## PREVIOUS CASES ON SITE

- 9868-Change in zoning from R-4 to RR was approved February 28, 2008.
- Docket 10-26-06: Preliminary Major Subdivision Plan for Primrose Meadows
- Plat Book 53, Page 60: Primrose Meadows, Section 1B
- Case 9488: Revised Preliminary Major Subdivision Plan for Primrose Meadows (Withdrawn by applicant)

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING

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 Cornerstone 2020; **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 Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

**TECHNICAL REVIEW**

- All technical review comments have been addressed.

**STAFF CONCLUSIONS**

The proposal is ready for a public hearing date to be set.

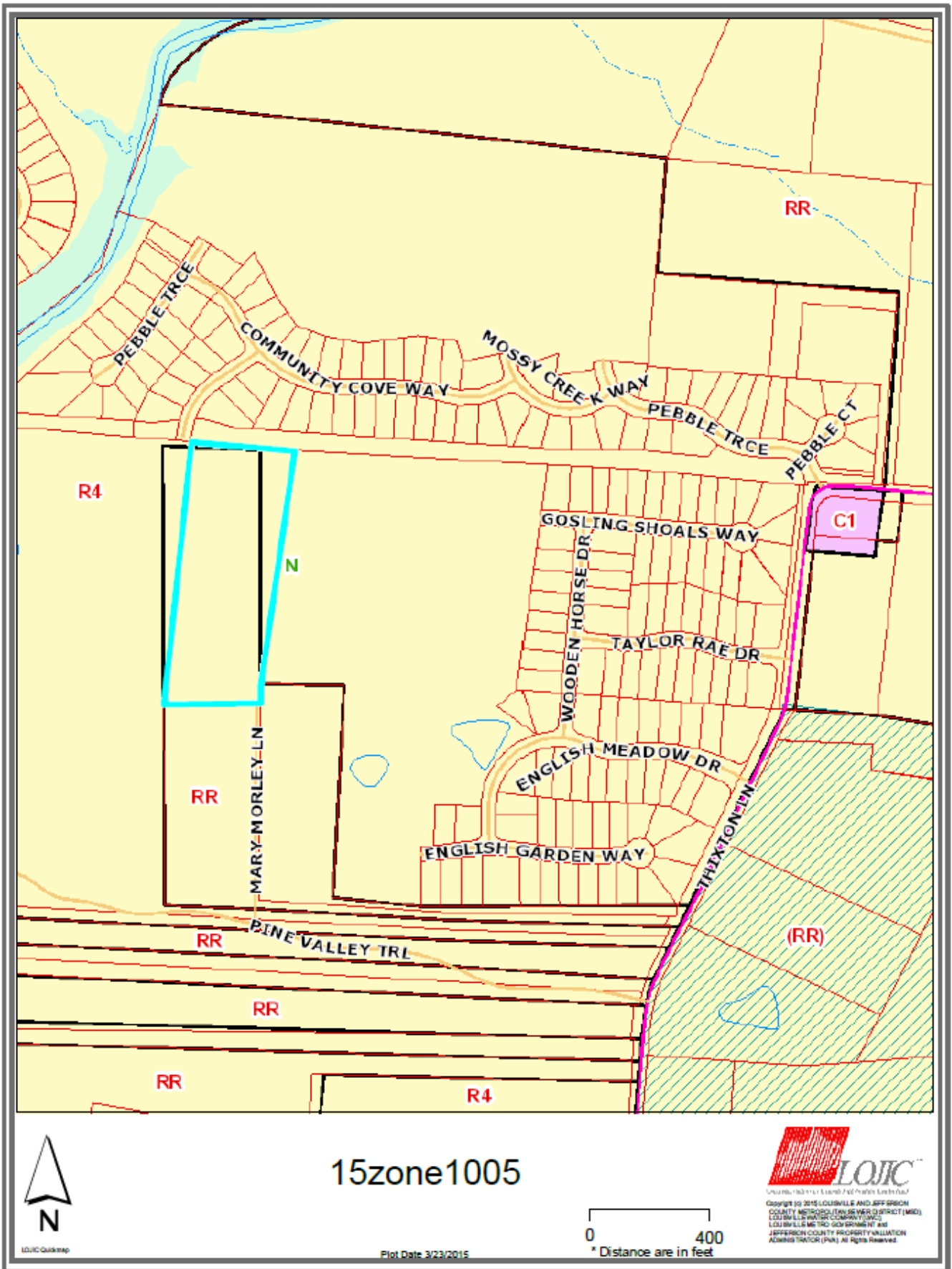
**NOTIFICATION**

Date	Purpose of Notice	Recipients
5/28/15	Hearing before LD&T on 6/11/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
	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/Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. **Proposed Binding Elements/Conditions of Approval**

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - e. 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.
  - g. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - j. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. 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.
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. 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 filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of TPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
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. The location of sinkholes as shown on the preliminary plan shall be identified on the record plat.
12. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval. Construction methods and precautions recommended in the report shall be applied to construction within the development.
13. The applicant shall obtain approval of a detailed landscape plan for the 30-foot Landscape Buffer Area along Thixton Lane. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.
14. A pre-blast survey shall be conducted of nearby homes in conformance with State law or of one tier of adjacent properties, whichever distance requirement is more stringent.
15. Outdoor lighting shall be standard LGBE acorn or carriage light fixtures. The Declaration of CCRs shall include provisions limiting the use of other lighting to be recessed or building-mounted coach lamp style fixtures, with wattage per recessed and attached fixtures not exceeding 75 watts, and a prohibition against spot lighting.