

# Planning Commission

July 21, 2016



Case No:	16AMEND1006
Project Name:	Suburban Infill LDC Text Amendment
Case Manager:	Brian Mabry, AICP, Planning Coordinator

## REQUEST

Amend Chapter 5 of the Land Development Code related to suburban infill.

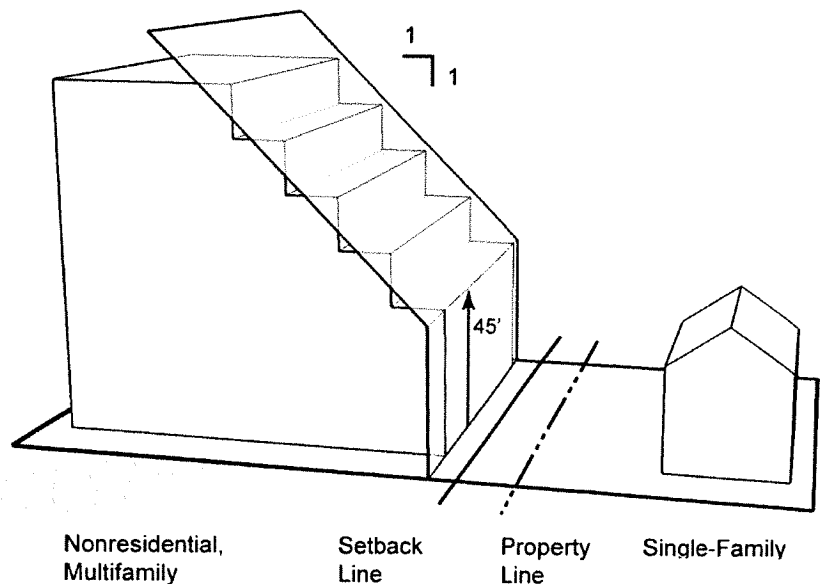
## SUMMARY

On December 17, 2015, as part of Round 2 of the Land Development Code Update, the Louisville Metro Council approved several changes to the Infill provisions of the code. Infill provisions apply to undeveloped or underutilized lots in otherwise developed areas. Their intent is to enable development while ensuring that building heights and setbacks are in character with surrounding properties. The approved changes from that time rely on the applicable form district standards for building height and side and rear setback in the Suburban form districts, rather than providing height and setback requirements specific to infill situations.

On February 11, 2016, the Louisville Metro Council approved Resolution 005-2016 (**Attachment #1**), requesting Planning and Design Services staff to hold a public hearing with the Planning Commission regarding the concept of a "stepback" requirement for nonresidential buildings proposed on Suburban form district infill sites as a way to alleviate possible incompatibility caused by disproportionate building heights of adjacent residential structures. The concern from the Council was the possibility that suburban infill buildings would tower over their residential neighbors and possibly interfere with the neighbors' privacy.

A stepback is a required increase in minimum setback as measured from the building wall to an adjacent side or rear property line with the setback increase being in proportion to the proposed height of a building. The illustration to the right demonstrates the concept. For every foot in height that the nonresidential building is over 45', it must have a one-foot additional setback from the adjacent property line. The graphic shows a height/setback increase in approximately 20-foot increments.

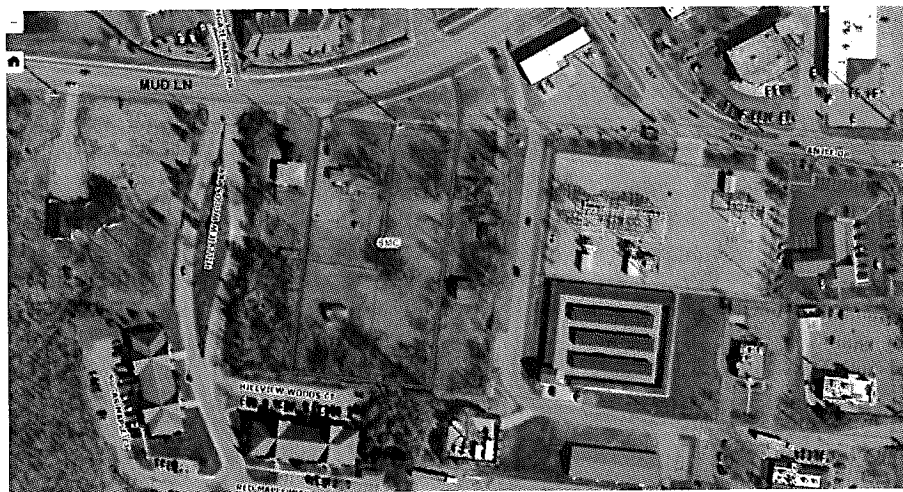
The proposed stepback requirement would apply where a proposed nonresidential or multifamily infill site in a Suburban form district abuts a single-story residence. The following are the maximum heights for nonresidential structures in the suburban form districts.



Suburban Form District	Maximum Residential Height (ft)	Maximum Nonresidential Height (ft)
Neighborhood	45	45
Suburban Marketplace Corridor	45	60
Regional Center	45	150
Suburban Workplace	45	50*
Campus	45	150
Village-Outlying	45	45

\*The Suburban Workplace form district has an existing stepback requirement that reads “Additional height may be added provided that the building is stepped back one foot on all sides for each additional four feet of building height.” This provision applies whether or not the subject property abuts a residence or not.

In addition to the protection mentioned in the table above in the Suburban Workplace form district, the Land Development Code has Transition Standards that limit nonresidential structure height when commercially-oriented form districts abut certain form districts. In such instances, nonresidential buildings within 200 feet of a Village, Neighborhood, or Traditional Neighborhood form district are limited to 45 feet in height. This protection, however, only applies when differing form districts are adjacent to one another, not when a multifamily or nonresidential infill site and residences abut within the same form district. The proposed amendment would apply in such situation, as in the graphic below.



Suburban Marketplace Corridor form district potential infill area with adjacent residential in same form district

Staff researched comparable communities. The research is shown in the table in **Attachment #2**. Staff believes that the summary for Memphis, Tennessee, and Raleigh, North Carolina, as shown in the table are good models to address the concerns of Metro Council on this matter.

### PLANNING COMMITTEE MEETING

The Planning Committee met to discuss this request on May 26th, 2016. Discussion was minimal aside from minor requests for clarification on the stepback concept. The Planning Committee voted to forward the request to the Planning Commission, as presented by Staff, with a positive recommendation.

The draft ordinance in **Attachment 3** has the following features:

- Requires suburban infill sites that abut a single-story residence, where both properties are in the same form district, to be a maximum of 45 feet at the required side or rear setback line.
- Requires such sites to have a one foot additional setback from the wall of the building to the side or rear residential property line for each foot in height the building is above 45 feet.

For example, an infill building proposed in the Suburban Marketplace Corridor form district, in order to reach the maximum allowed height of 60 feet, would be limited to 45 feet in height at the required 25-foot side or rear setback. The portion of the structure that is 60 feet in height would need to be setback from the residential property line 40 feet (25' required setback + 15').

### **APPLICABLE PLANS AND POLICIES**

These amendments to the LDC text are consistent with the following policies of Cornerstone 2020.

Community Form Strategy, Goal A3, Objective A3.4 "Form and special district regulations should address standards necessary to achieve compatible development and redevelopment within the district, including but not limited to site, building and community design. These form-related regulations should encourage certain design, location, configuration and relationship of land uses that will reinforce the form of development and discourage design, location, configuration and relationship of land uses that would detract from the pattern and form of development characteristic of a specific form or special district."

Community Form Strategy, Goal C4, Objective C4.4 "Setbacks and Lot Dimensions: Establish a range of setbacks and lot dimensions to ensure compatibility with surrounding buildings while allowing for flexibility and creativity. Encourage new infill development to be of similar setback and orientation as the existing pattern of development."

The proposed LDC text amendment helps to ensure compatibility between multifamily and nonresidential infill properties and existing adjacent single-story residential properties and to protect the privacy of the adjacent residential properties.

### **NOTIFICATION**

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

### **STAFF CONCLUSIONS**

The proposed amendments, as set forth in **Attachment 3**, would increase the compatibility between nonresidential or multifamily suburban infill developments and their residential neighbors. The Planning Commission may recommend approval, approval with modifications, or denial to the Metro Council.

Staff makes these LDC text amendment recommendations related to suburban infill setback requirements in light of the following:

WHEREAS, on February 11, 2016, the Louisville Metro Council approved Resolution 005-2016 requesting Planning and Design Services staff to hold a public hearing with the Planning Commission regarding the concept of a "stepback" requirement for nonresidential buildings proposed on Suburban form district infill sites as a way to alleviate possible incompatibility caused by disproportionate building heights of adjacent residential structures.

WHEREAS, the Planning Commission finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020.

WHEREAS, the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form Strategy, Goal A3, Objective A3.4. The proposed amendments contain standards that help to achieve compatible development and redevelopment.

WHEREAS, the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form/Land Use, Guideline 3. Compatibility, Policy A.23. The proposed amendments require a range of setbacks to ensure compatibility between infill Suburban nonresidential or multifamily sites and single-story residences while allowing for flexibility and creativity.

#### **ATTACHMENTS**

1. Resolution 005-2016
2. Infill Stepback Survey
3. Draft Ordinance
4. Map – Properties With Single-Story Residential Use, in Suburban Form Districts Other Than Neighborhood
5. Map – Properties Abutting Single-Story Residential Use, Non-Neighborhood Suburban Form Districts

# Planning Commission

June 16, 2016



<b>Case No:</b>	16AMEND1006
<b>Project Name:</b>	Suburban Infill LDC Text Amendment
<b>Case Manager:</b>	Brian Mabry, AICP, Planning Coordinator

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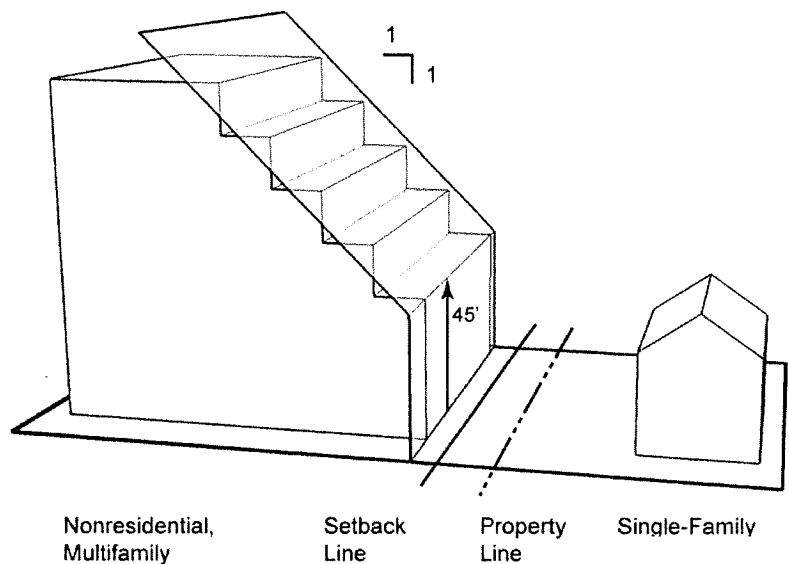
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On February 11, 2016, the Louisville Metro Council approved Resolution 005-2016 (**Attachment #1**), requesting Planning and Design Services staff to hold a public hearing with the Planning Commission regarding the concept of a "stepback" requirement for nonresidential buildings proposed on Suburban form district infill sites as a way to alleviate possible incompatibility caused by disproportionate building heights of adjacent residential structures. The concern from the Council was the possibility that suburban infill buildings would tower over their residential neighbors and possibly interfere with the neighbors' privacy.

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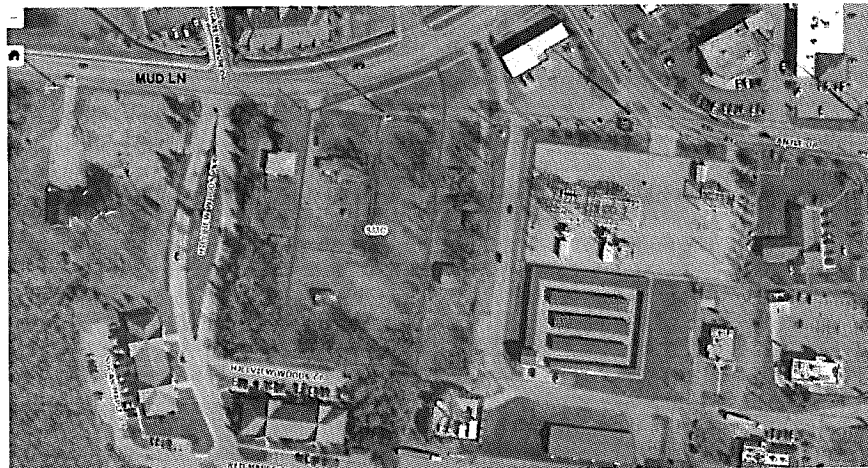
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- Requires such sites to have a one foot additional setback from the wall of the building to the side or rear residential property line for each foot in height the building is above 45 feet.

For example, a building proposed in the Suburban Marketplace Corridor form district on such a sight, in order to reach the maximum allowed height of 60 feet, would be limited to 45 feet in height at the required 25-foot side or rear setback. The portion of the structure that is 60 feet in height would need to be setback from the residential property line 40 feet (25' required setback + 15').

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Staff makes these LDC text amendment recommendations related to suburban infill setback requirements in light of the following:

WHEREAS, on February 11, 2016, the Louisville Metro Council approved Resolution 005-2016 requesting Planning and Design Services staff to hold a public hearing with the Planning Commission regarding the concept of a "stepback" requirement for nonresidential buildings proposed on Suburban form district infill sites as a way to alleviate possible incompatibility caused by disproportionate building heights of adjacent residential structures.

WHEREAS, the Planning Commission finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020.

WHEREAS, the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form Strategy, Goal A3, Objective A3.4. The proposed amendments contain standards that help to achieve compatible development and redevelopment.

WHEREAS, the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form/Land Use, Guideline 3. Compatibility, Policy A.23. The proposed amendments require a range of setbacks to ensure compatibility between infill Suburban nonresidential or multifamily sites and single-story residences while allowing for flexibility and creativity.

#### **ATTACHMENTS**

1. Resolution 005-2016
2. Infill Stepback Survey
3. Draft Ordinance



1. Resolution 005-2016

RESOLUTION NO. 005, SERIES 2016

A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING AND FORWARD A RECOMMENDATION TO THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT REGARDING PROPOSED LANGUAGE AMENDING THE INFILL DEVELOPMENT REGULATIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ADDRESS THE RELATIONSHIP BETWEEN BUILDING HEIGHTS OF PROPOSED STRUCTURES ON INFILL SITES AND EXISTING STRUCTURES ADJACENT TO THE SUBJECT INFILL SITES AND WHETHER A STEPBACK REQUIREMENT FOR SAID INFILL STRUCTURES WITH PROPOSED BUILDING HEIGHTS GREATER THAN THE BUILDING HEIGHTS OF THE STRUCTURES ON ADJACENT PROPERTIES WOULD HELP MITIGATE ANY INCOMPATIBILITY POSSIBLY CAUSED BETWEEN THE DISPARITY IN BUILDING HEIGHTS OF NEIGHBORING PROPERTIES.

Sponsored by: Councilman James Peden

WHEREAS, over the course of the last two years, Legislative Council of the Louisville/Jefferson County Metro Government ("Metro Council") has undertaken a comprehensive review and update to its zoning regulations, the Land Development Code ("LDC"), and as part of said review and update, the Metro Council, at times, finds the need to further review existing LDC regulations; and

WHEREAS, here, the Metro Council, based on the review and debate of proposed amendments to the infill development regulations during 2015, identified concerns related to situations where structures constructed on infill parcels are disproportionately taller than the structures on adjacent parcels and how that height disparity might negatively affect those adjacent parcels; and

WHEREAS, the Metro Council now wishes to consider the appropriateness of adopting infill regulations addressing building heights of proposed infill structures and whether a "stepback" requirement at specified building heights for said structures

proposed for the subject infill sites would help alleviate any incompatibility possibility caused by disproportionate building heights between structures; and

WHEREAS, the Metro Council request the Department of Planning and Design to review infill regulations from other communities, specifically Memphis, Tennessee and Raleigh, North Carolina (as noted in Exhibit A attached hereto), and present its recommendations to the Planning Commission during a public hearing, and, thereafter, the Planning Commission shall forward its recommendation to the Metro Council for further action;

**NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL AS FOLLOWS:**

**Section 1:** The Metro Council requests that the Planning Commission hold a public hearing regarding proposed amendments to Chapter 5 of the LDC, specifically the infill development regulations (see suggestions set forth in Exhibit B attached hereto), and whether the inclusion of a "stepback" requirement for building heights of structures proposed on infill development sites is a reasonable way to alleviate possible incompatibility caused by disproportionate building heights of adjacent structures, and to forward its recommendation to the Metro Council for further action.

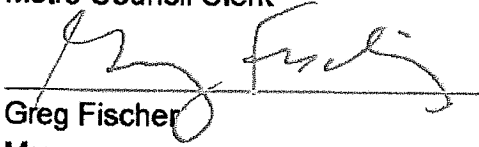
**Section 2:** This Resolution shall take effect upon passage and approval.



H. Stephen Ott  
Metro Council Clerk



David Yates  
President of the Council




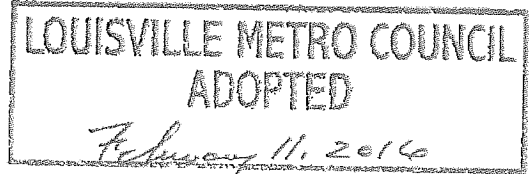
Greg Fischer  
Mayor

Approved: 2/11/16  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: 



## 2. Infill Stepback Survey

Community	Stepback (height : additional setback)	Use or District	Notes
Cincinnati, OH	.5:1 to 5:1	Multifamily district	If above 35' regardless of adjacency
	10:3	Office district	If above 25' regardless of adjacency
Indianapolis, IN	1:1	Commercial districts	If above 35' and adjacent to a residence, hospital, park, place of worship or school
	1:1	Industrial districts	If above 22' to 35'
Lexington-Fayette, KY	4:1	R-5 - apts	Adjacent to P-1 or R
	3:1	P-1 office	Adjacent to P-1 or R
	3:1	B-2 downtown business	For floors with DUs with windows
	3:1	B-4 wholesale and warehouse, I-1 Industrial 1, B-5P Interchange Service Business	Adjacent to P-1 or R
	1:1	P-2, MU-2, MU-3 districts	Adjacent to residential use
Memphis, TN	1:1	Nonresidential or multifamily uses	Any nonresidential or multifamily building that abuts a single-family residential district is subject to a bulk plane starting at 40 feet in height at the side or rear setback line, and extending upward one foot for every additional foot into the site from the setback line up to 100 feet of setback.
Oklahoma City, OK	1:1	Institutional uses	If above maximum height for districts. Capped at 60'
Raleigh, NC	1:1	Residential Uses	The maximum allowed wall height adjacent to the side property line is 22 feet or the average height of the 2 abutting neighboring wall planes, whichever is greater. The wall height may be increased 1 foot for each foot of horizontal distance the wall is moved from the side setback line, not to exceed the maximum height allowed within the district

### 3. Draft Text Amendment

#### 5.1.12 Infill Development Regulations

\* \* \* \*

#### B. Suburban Form Districts (N, SMC, RC, SW, C, VO)

\* \* \* \*

#### 2. Infill Dimensional Requirements

\* \* \* \*

##### d. Building Height –

**i. Except as provided in paragraph ii. below, there are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.**

**ii. Where a proposed nonresidential or multifamily building abuts a single-story residential structure, and where the Transitional Standards in Section 5.7.1 do not apply, the maximum building height allowed, measured at the required side or rear setback line, shall be 45 feet. The building height may be increased one foot for each foot of horizontal distance the building wall is moved from the side or rear setback line, not to exceed the maximum height allowed within the form district.**

##### e. Corner Lots

\* \* \* \*

##### ii. Building Height

**1. Except as provided in paragraph 2. below, there are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.**

**2. Where a proposed nonresidential or multifamily building abuts a single-story residential structure, and where the Transitional Standards in Section 5.7.1 do not apply, the maximum building height allowed, measured at the required side or rear setback line, shall be 45 feet. The building height may be increased one foot for each foot of horizontal distance the building wall is moved from the side or rear setback line, not to exceed the maximum height allowed within the form district.**

