

**Planning Commission
Staff Report
November 1, 2018**



| | |
|---------------------------|--------------------------------|
| Case No: | 18ZONE1061 |
| Project Name: | Factory Lane PRD |
| Location: | 13501 & 13505 Factory Lane |
| Owner(s): | Joe Kroll Builder, LLC |
| Applicant: | Master-Craft Homes, LLC |
| Representative(s): | Dinsmore & Shohl, LLP |
| Jurisdiction: | Louisville Metro |
| Council District: | 17 – Glen Stuckel |
| Case Manager: | Joel P. Dock, AICP, Planner II |

REQUEST(S)

- **Change in zoning** from R-4, Single-family Residential to R-5, Single-family Residential
- **Variance** of Land Development Code, section 5.3.1.c to reduce the required front/street side yard setback from 25' to 15' for interior lots and from 40' to 30' along Factory Lane
- **Major Preliminary Subdivision/District Development Plan**

CASE SUMMARY

A single family subdivision containing 34 single-family residential lots is proposed. The subject site is located ¼ miles east of La Grange Road which provides access to Interstate-265. Factory Lane is a collector roadway serving a range of densities before reaching the subject site. A stub roadway is provided to the east to connect with an adjacent proposed subdivision.

STAFF FINDING

The proposal is in conformance with the Comprehensive Plan. The development is compatible with existing and future development in the area as a wide variety of densities and intensities are present or proposed. The variance and district development plan appear to be adequately justified based on the standard of review.

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 PROPOSED REZONING

The Following is a summary of 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.

The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a wide variety of densities and intensities. The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood and introduces additional options for single-family development. It does not introduce a high density use as the maximum density permitted is 7.26 du/ac. Residential development will occur in accordance with the residential site design standards of LDC 5.4.2. The proposed setbacks add to the variety of styles and setbacks which aid in creating variability and sense of place that is not homogenous.

Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets as connectivity and pedestrian accommodations have been made. The subject site is located along a collector roadway and within proximity to activity centers. Traffic impacts will be minimal for the proposed development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the setback does not allow future development to impact sight lines for vehicles or pedestrians along public ways.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as an existing home and an adjacent home are setback at a similar distance from the roadway pavement of Factory Lane and the interior lot setback adds to the variety of styles and setbacks in the area which aid in creating variability and sense of place that is not homogenous.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the setback does not allow future development to impact sight lines for vehicles or pedestrians along public ways.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed setback adds to the variety of styles and setbacks in the area which aid in creating variability and sense of place that is not homogenous.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the development could conform to the requirements.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as variability in setbacks adds to the variety of styles and setbacks in the area which aid in creating variability and sense of place that is not homogenous.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. A potential historic resource will be documented prior to demolition. The site contains no other significant natural resources.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as connectivity and pedestrian accommodations have been made throughout the development and to adjacent sites.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal provides open space that helps meet the needs of the proposed development and community as no open space provisions are required for the proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land use is compatible with the area as the area contains a wide variety of densities and intensities.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development plan conforms to the Comprehensive Plan as The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a wide variety of densities and intensities. The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood and introduces additional options for single-family development. Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity and design elements such as short blocks or bike/walkways in the middle of long

blocks to connect with other streets as connectivity and pedestrian accommodations have been made

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from 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** or **DENIED**
- **APPROVE** or **DENY** the **Variance** of Land Development Code, section 5.3.1.c to reduce the required front/street side yard setback from 25' to 15' for interior lots and from 40' to 30' along Factory Lane
- **APPROVE** or **DENY** the **Major Preliminary Subdivision/District Development Plan**

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|------------------------------------|---|
| 9/27/18 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17 |
| 10/15/18 | Hearing before Planning Commission | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17 |
| 10/12/18 | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. **Zoning Map**



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|---------------|---|
| Community Form/Land Use Guideline 1: Community Form | B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood. | ✓ | The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood as the area contains a wide variety of densities and intensities. The proposed district introduces additional options for single-family development. |
| Community Form/Land Use Guideline 1: Community Form | B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments. | ✓ | The proposal does not introduce a high density use. The maximum density permitted is 7.26 du/ac. |
| Community Form/Land Use Guideline 1: Community Form | B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. | ✓ | The proposal does not introduce a new housing style as the area contains a mix of housing options within the extent of existing and planned developments. |
| Community Form/Land Use Guideline 1: Community Form | B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. | ✓ | Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets as connectivity and pedestrian accommodations have been made. |
| Community Form/Land Use Guideline 3: Compatibility | A.1: 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a wide variety of densities and intensities. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|---|
| Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.) | ✓ | Residential development will occur in accordance with the residential site design standards of LDC 5.4.2. |
| Community Form/Land Use Guideline 3: Compatibility | A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. | ✓ | The proposal is compatible with adjacent residential areas as the development to the immediate west is a multi-family development and the development surrounding to the north and east is a conservation subdivision, and the proposed district is a single-family subdivision |
| Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | ✓ | Traffic impacts will be minimal and consistent with other single-family development in the area. Access is obtained from a collector level roadway feeding an arterial and the interstate within less than 1-mile. |
| Community Form/Land Use Guideline 3: Compatibility | A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. | ✓ | Lighting will be in compliance with LDC 4.1.3 |
| Community Form/Land Use Guideline 3: Compatibility | A.10: 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 proposed district incorporates itself into an area which provides a wide range of housing styles. |
| Community Form/Land Use Guideline 3: Compatibility | A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center. | ✓ | The subject site is located along a collector roadway and within proximity to activity centers. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|--|
| Community Form/Land Use Guideline 3: Compatibility | A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible). | ✓ | The proposed district incorporates itself into an area which provides a wide range of housing options |
| Community Form/Land Use Guideline 3: Compatibility | A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing. | ✓ | The proposed district incorporates itself into an area which provides a wide range of housing options. |
| Community Form/Land Use Guideline 3: Compatibility | A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. | ✓ | Surrounding uses are multi- and single-family residential which are compatible with the proposed development. |
| Community Form/Land Use Guideline 3: Compatibility | A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. | ✓ | Surrounding uses are multi- and single-family residential which are compatible with the proposed development. |
| Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | ✓ | Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed setbacks add to the variety of styles and setbacks which aid in creating variability and sense of place that is not homogenous. |
| Community Form/Land Use Guideline 4: Open Space | A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space. | ✓ | The proposal is not required to provide additional open space |
| Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District. | ✓ | The proposal is not required to provide additional open space |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|--|
| Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | ✓ | The proposal integrates natural features into the pattern of development as the subject site is mostly clear of vegetation and there are no additional environmental features. |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | ✓ | The site does not appear to contain any sensitive natural features. |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement. | ✓ | The subject site may contain historic resources (structure built 1930 – PVA). Any historic resources will be documented prior to demolition. |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. | ✓ | The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion |
| Mobility/Transportation Guideline 7: Circulation | A.1/2: 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. | ✓ | 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 System Development Charge area. |
| Mobility/Transportation Guideline 7: Circulation | A.6: 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, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads. | ✓ | 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. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| Mobility/Transportation Guideline 7: Circulation | A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development. | ✓ | The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities abutting the development and connecting to adjacent development. |
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. | ✓ | 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. |
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | ✓ | The proposed zoning district is similar in intensity to surrounding areas and access to the site would not create a nuisance. |
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | ✓ | The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. The collector roadway provides primary access, a connection to adjacent subdivision is provided. |
| Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit | A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. | ✓ | The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks will be provided throughout. |
| Livability/Environment Guideline 10: Flooding and Stormwater | The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices. | ✓ | The proposal's drainage plans have been approved by MSD |
| Livability/Environment Guideline 13: Landscape Character | A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration. | ✓ | The subdivision does not have a significant impact on natural corridors. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|------------------|--|
| Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | ✓ | The precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers. |
| Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | ✓ | The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. |
| Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | ✓ | The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. |

4. 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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
3. 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."
4. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
5. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
11. 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 noise barriers, maintenance of WPAs, 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.
12. 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.
13. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.

Land Development & Transportation Staff Report



| | |
|--------------------|--------------------------------|
| Case No: | 18ZONE1061 |
| Project Name: | Factory Lane |
| Location: | 13501 & 13505 Factory Lane |
| Owner(s): | Joe Kroll Builder, LLC |
| Applicant: | Master-Craft Homes, LLC |
| Representative(s): | Dinsmore & Shohl, LLP |
| Jurisdiction: | Louisville Metro |
| Council District: | 17 – Glen Stuckel |
| Case Manager: | Joel P. Dock, AICP, Planner II |

REQUEST(S)

- Change in zoning from R-4, Single-family Residential to R-5, Single-family Residential
 - Major Preliminary Subdivision/District Development Plan
- + Variance

CASE SUMMARY

A single family subdivision containing 34 single-family residential lots is proposed. The subject site is located $\frac{3}{4}$ miles east of La Grange Road which provides access to Interstate-265. Factory Lane is a collector roadway serving a range of densities before reaching the subject site. A stub roadway is provided to the east to connect with an adjacent proposed subdivision.

STAFF FINDING

The application appears to be in order and is ready for the next available public hearing before the planning commission.

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.

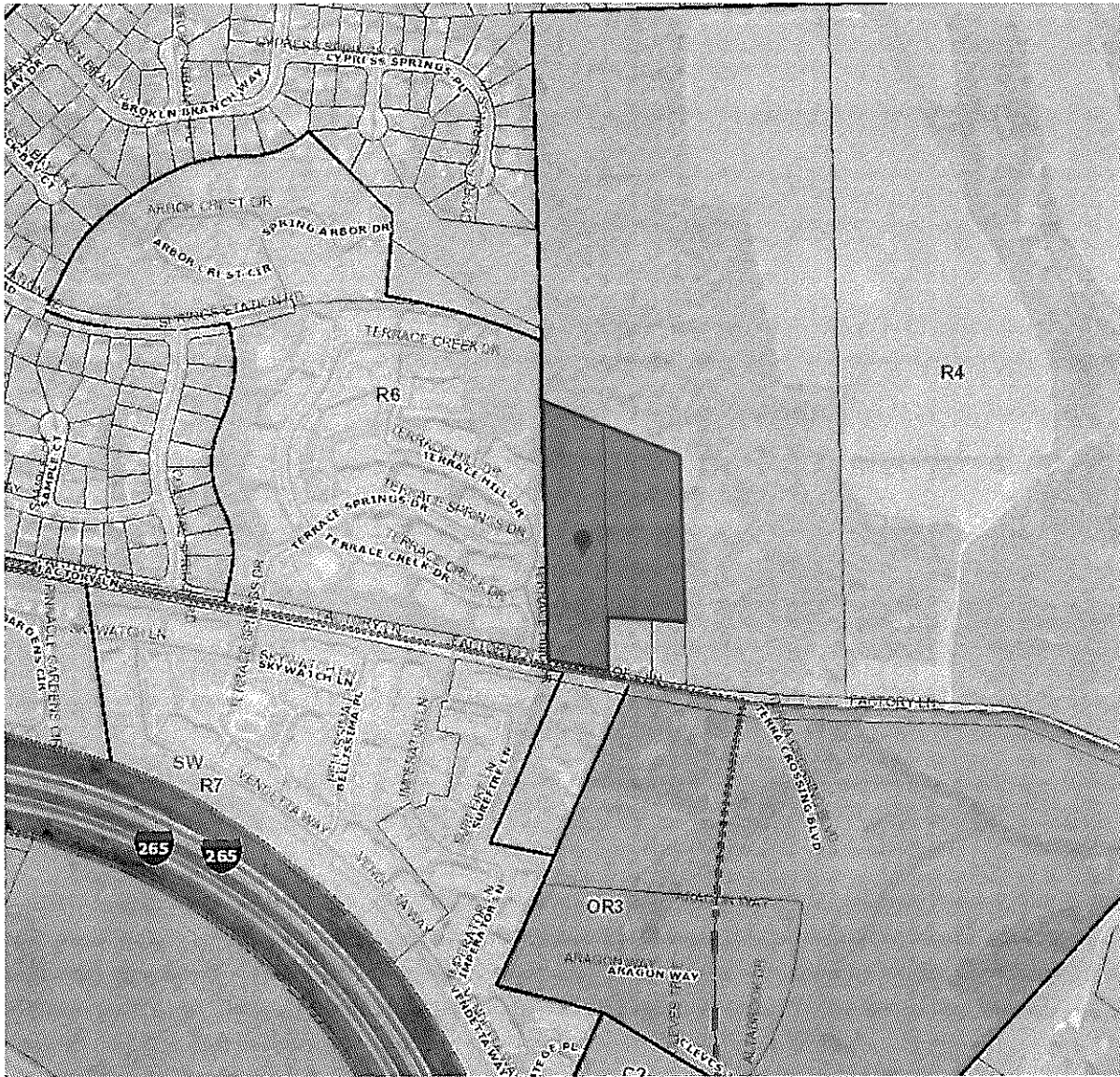
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|------------------------------------|---|
| 9/27/18 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17 |
| | Hearing before Planning Commission | 1 st and 2 nd 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**



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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
3. 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."
4. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
5. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
11. 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 noise barriers, maintenance of WPAs, 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.
12. 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.
13. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

Pre-Application Staff Report



| | |
|---------------------------|--------------------------------|
| Case No: | 18ZONE1061 |
| Project Name: | Factory Lane PRD |
| Location: | 13501 & 13505 Factory Lane |
| Owner(s): | Joe Kroll Builder, LLC |
| Applicant: | Master-Craft Homes, LLC |
| Representative(s): | Dinsmore & Shohl, LLP |
| Jurisdiction: | Louisville Metro |
| Council District: | 17 – Glen Stuckel |
| Case Manager: | Joel P. Dock, AICP, Planner II |

REQUEST(S)

- **Change in zoning** from R-4, Single-family Residential to PRD, Planned Residential Development
- **Major Preliminary Subdivision/District Development Plan**

CASE SUMMARY

A change in zoning to PRD has been requested to allow for the creation of 34 detached-unit, single-family residential lots. The subject site is located three-quarters of one-mile east of La Grange Road where a variety of retail, office, and employments options are available and access to interstate-265 is provided. Factory Lane is a collector roadway serving a range of densities before reaching the subject site.

STAFF FINDING

The zoning district appears to be appropriately located based on surrounding development. Sidewalk connectivity and the provision of open spaces should be addressed as indicated in plan comments.

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 PROPOSED REZONING

The Following is a summary of 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.

The proposed district introduces additional options for single-family development. The maximum density permitted is 7.26 du/ac which is identical to an R-5, single family district. The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a wide variety of densities and intensities. The PRD district allows for greater flexibility in the provision of housing choice, specifically for the creation of appropriate/inclusive housing.

Traffic will be no more than what is created by a single-family development permitted in an R-5 zoning district. Access is obtained from a collector level roadway feeding an arterial and the interstate within less than 1-mile.

Open space should be functional and sidewalks should be provided throughout.

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|------------------------------------|---|
| | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17 |
| | Hearing before Planning Commission | 1 st and 2 nd 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. Cornerstone 2020 Staff Checklist

3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|----------------------|--|
| Community Form/Land Use Guideline 1: Community Form | B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood. | ✓ | The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood as the area contains a wide variety of densities and intensities. The proposed district introduces additional options for single-family development. |
| Community Form/Land Use Guideline 1: Community Form | B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments. | ✓ | The proposal does not introduce a high density use. The maximum density permitted is 7.26 du/ac which is identical to an R-5, single family district. |
| Community Form/Land Use Guideline 1: Community Form | B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. | ✓ | The proposal does not introduce a new housing style as the area contains a mix of housing options within the extent of existing and planned developments. |
| Community Form/Land Use Guideline 1: Community Form | B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. | +/- | Sidewalks should be provided throughout to connect all residents safely with pedestrian networks and nearby activity centers. |
| Community Form/Land Use Guideline 3: Compatibility | A.1: 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a wide variety of densities and intensities. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|--|
| Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.) | ✓ | Residential development will occur in accordance with the residential site design standards of LDC 5.4.2. |
| Community Form/Land Use Guideline 3: Compatibility | A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. | ✓ | The proposal is compatible with adjacent residential areas as the development to the immediate west is a multi-family development and the development surrounding to the north and east is a conservation subdivision, and the proposed district is most similar to an R-5 single-family subdivision |
| Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | ✓ | Traffic will be no more than what is created by a single-family development permitted in an R-5 zoning district. Access is obtained from a collector level roadway feeding an arterial and the interstate within less than 1-mile. |
| Community Form/Land Use Guideline 3: Compatibility | A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. | ✓ | Lighting will be in compliance with LDC 4.1.3 |
| Community Form/Land Use Guideline 3: Compatibility | A.10: 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 PRD district allows for the inclusion of 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. |
| Community Form/Land Use Guideline 3: Compatibility | A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center. | ✓ | The subject site is located along a collector roadway and is no denser than a single family subdivision. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| Community Form/Land Use Guideline 3: Compatibility | A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible). | ✓ | The PRD district allows for greater flexibility in the provision of housing choice, specifically for the elderly or persons with disabilities. Although that is not proposed today, the district allows this flexibility. |
| Community Form/Land Use Guideline 3: Compatibility | A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing. | ✓ | The PRD district allows for greater flexibility in the provision of housing choice, specifically for the creation of appropriate/inclusive housing. |
| Community Form/Land Use Guideline 3: Compatibility | A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. | ✓ | Surrounding uses are multi- and single-family residential which are compatible with the proposed development. |
| Community Form/Land Use Guideline 3: Compatibility | A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. | ✓ | Surrounding uses are multi- and single-family residential which are compatible with the proposed development. |
| Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | ✓ | Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable. |
| Community Form/Land Use Guideline 4: Open Space | A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space. | +/- | Open space must comply with PRD standards and be functional. Open space as proposed is not conforming. See plan comments. |
| Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District. | +/- | Open space must comply with PRD standards and be functional. Open space as proposed is not conforming. See plan comments. |
| Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | ✓ | The proposal integrates natural features into the pattern of development as the subject site is mostly clear of vegetation and there are no additional environmental features. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|--|
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | ✓ | The site does not appear to contain any sensitive natural features. |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement. | +/- | The subject site may contain historic resources (structure built 1930 – PVA). These resources should be documented prior to demolition. |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. | ✓ | The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion |
| Mobility/Transportation Guideline 7: Circulation | A.1/2: 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. | ✓ | 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. |
| Mobility/Transportation Guideline 7: Circulation | A.6: 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, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads. | ✓ | 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. |
| Mobility/Transportation Guideline 7: Circulation | A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development. | ✓ | The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities abutting the development. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. | ✓ | 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. |
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | ✓ | The proposed zoning district is similar in intensity to surrounding areas and access to the site would not create a nuisance. |
| Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | ✓ | The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. The collector roadway provides primary access, a connection to adjacent subdivision is provided. |
| Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit | A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. | +/- | Sidewalks should be provided throughout. |
| Livability/Environment Guideline 10: Flooding and Stormwater | The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices. | +/- | MSD comments should be addressed |
| Livability/Environment Guideline 13: Landscape Character | A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration. | ✓ | The subdivision does not have a significant impact on natural corridors. |
| Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | ✓ | The precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|--------------------------|--|
| Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | ✓ | LWC has no objections to the proposal. |
| Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | ✓ | LWC has no objections to the proposal. |