

**Change in Zoning Pre-Application  
Staff Report**  
August 31, 2016



<b>Case No:</b>	16ZONE1052
<b>Project Name:</b>	The Farms at Lovers lane
<b>Location:</b>	6015 Lovers Lane
<b>Owner(s):</b>	Superior Buildings, Inc.
<b>Applicant:</b>	Superior Builders, Inc.
<b>Representative(s):</b>	BlueStone Engineers, PLLC – Chris Crumpton
<b>Project Area/Size:</b>	9.77 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, Planner I

**REQUEST**

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

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The subject site is located on the East side of Lovers lane, roughly one mile East of Bardstown Road, and one mile North of Interstate-265. The proposed change-in-zoning is in conjunction with a major preliminary subdivision plan for forty-five residential building lots and two open-space lots. The proposed subdivision will extend Sycamore Bend Trace from the Jefferson Trace subdivision (PB 48, PG 5) to the right-of-way of Lovers Lane. An additional roadway connection will be provided from the Farms at Lovers Lane preliminary subdivision (docket 10-14-03) along the Southern boundary of the subject site and connect with Sycamore Bend Trace.

The minimum lots size permitted within the R-5, Single-family Residential zoning district is 6,000 square feet. Proposed residential lot areas range from 6,600 square feet to 11,887 square feet.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Single-family	R-4	N
<b>Proposed</b>	Single-family Subdivision	R-5	N
<b>Surrounding Properties</b>			
<b>North</b>	Single-family Residential	R-4	N
<b>South</b>	Vacant	R-4	N
<b>East</b>	Single-family Residential	R-4	N
<b>West</b>	Single-family Residential	R-4	N

**PREVIOUS CASES ON SITE**

Staff found no associated cases on-site.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### Fern Creek Small Area Plan

The subject site is located in Quadrant II: Northeastern Quadrant which focuses on the continuation of the current pattern of residential subdivision growth and recommends that wooded areas shall be conserved to the fullest extent possible, while also restricting the area from commercial and other high intensity/density uses.

*Guiding Principal 3.3.2* recommends a three-tiered approach to development where intensity and density of land uses decrease moving outward from the Bardstown Road and Interstate-265 interchange. The subject site is in the Tier 3 which should consist of “mostly low-density developments such as single-family residential, open-space, and agricultural land uses.”

*Transportation Recommendation 7.4.5* notes the concerns of citizens in the area related to cut-through traffic on subdivisions streets. Traffic calming devices are recommended where necessary and may include, “easy-to-install and inexpensive measures as maximum speed limit signs or turn prohibitions. Examples of more expensive traffic calming measures include chokers, chicanes, partial diverters, and street closure.”

## STANDARD OF REVIEW FOR REZONINGS

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.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

All agency comments should be addressed to demonstrate compliance with the Guidelines and Policies of Cornerstone 2020.

Elements of the Fern Creek Small Area Plan, specifically related to *Transportation Recommendation 7.4.5* should be addressed and identified within the requested zoning change. The proposed subdivision falls within Tier 3 of *Guiding Principal 3.3.2* and fulfills the goal of continuing the residential pattern of development. Consideration should be given to increasing preservation of open spaces and landscape character.

### TECHNICAL REVIEW

All agency comments from the proposed major preliminary subdivision/general district development plan will need to be addressed before the case proceeds to a public meeting.

Sites rezoned after the middle of 1975 are subject to specific development provisions known as “Plan Certain.” These regulations require the owner/developer to agree to a specific development plan and development conditions as part of the rezoning process, known as binding elements. This plan and binding elements will run with the property and may limit what can be developed on the property.

### NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners 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 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

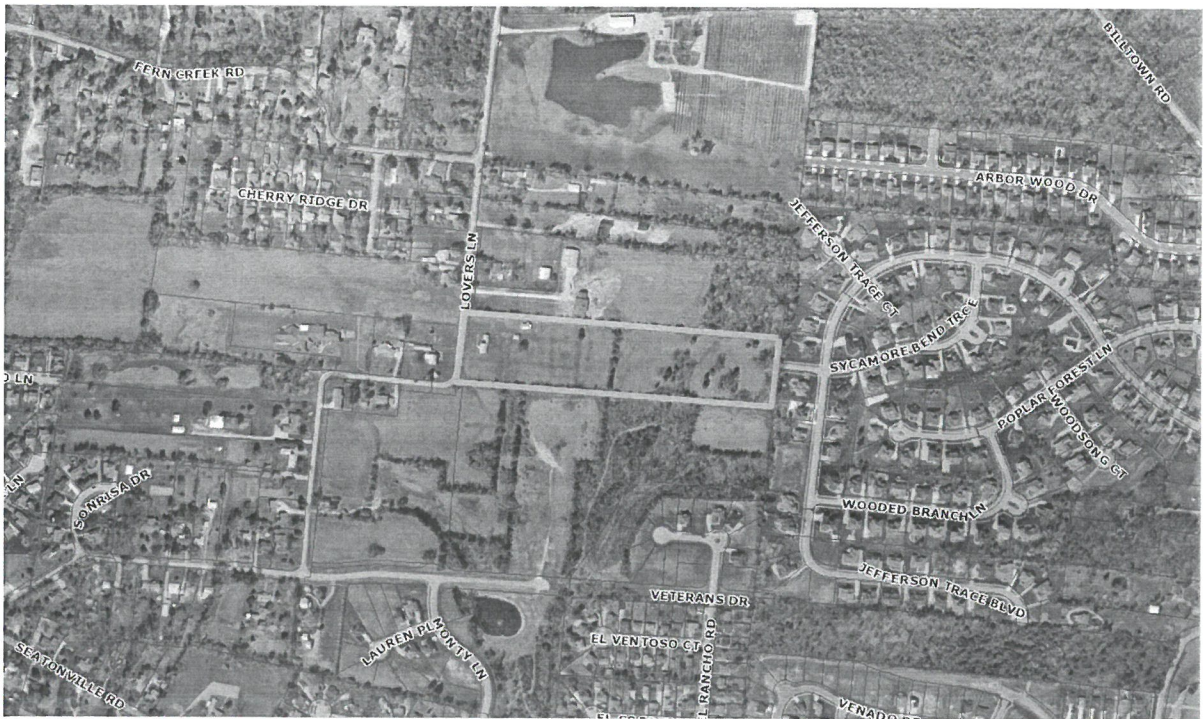
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photograph



**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
1	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 subject site is surrounded by lower density subdivisions and would create an inter-connected slightly higher density development
2	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.	NA	Density proposed is 8.85 du/ac
3	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.	✓	Lots are for single-family residential use and will comply with LDC 5.4.2
4	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 are being provided as required by the LDC. Street connections are being made to adjacent subdivisions to promote circulation.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision. The proposed density is higher than that of surrounding developments and utilizes the land area to be compatible with adjacent R-4 and also continue the hierarchy of the street grid and infrastructure
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	✓	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision abutting an existing and proposed subdivision
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The subject site is within 1-mile of a commercial corridor which provides 1 <sup>st</sup> and 2 <sup>nd</sup> order goods, as well as access to public transportation
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Subdivision will connect to an existing subdivision and share access points to Lovers lane and Billtown Road
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	+/-	Utility easements should be provided as required by utility agencies and labeled on the proposed plan
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Single-family lots will be served by a local road and sidewalks will be provided.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	+/-	Access to Bardstown Road is not friendly to pedestrians as sidewalks are sparse to the West of the development and do not fully connect to the subject site. The subject site providing sidewalks along Lovers lane to promote pedestrian mobility.
18	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 proposed subdivision is for single-family residential use only and will promote vehicular and pedestrian connection to adjacent residential areas of the form district.
19	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.)	+/-	Staff has not been provided with building elevations, but this is not typically required for subdivisions.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
20	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.	✓	While the density will be increased by the proposed zoning change all lots will be restricted to single family use only. The subject site is at the edge of an existing R-4 subdivision and proposed R-4 preliminary subdivision with frontage and nearest access from Lovers Lane, a collector level roadway.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Applicant should address recommendation of the <b>Fern Creek Small area plan</b> related to curbing traffic on cut-through streets. The proposed subdivision will enable a cut-through from Billtown Road to Lovers lane.
22	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 not exceed what is necessary for single-family residential use and safety
23	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 proposal introduces a smaller lot size pattern to surrounding low density residential subdivisions.
24	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 level roadway
25	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).	+/-	<u>Will <b>specific housing for the elderly</b> be provided?</u> Subject site is limited in safe access to public transportation.
26	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.	+/-	<u>Will <b>housing be inclusive and compatible with surrounding areas?</b></u>
27	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.	+/-	A <b>15' LBA</b> is required along the North property line adjacent to a lot of 5 acres or more.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	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.	+/-	A 15' LBA is required along the North property line adjacent to a lot of 5 acres or more.
29	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 will be as required by the LDC for single-family residential development in the neighborhood form district
30	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.	+/-	This specific subdivision does not provide open space to the extent of what is recommended in the Fern Creek Small area Plan. How will this subdivision be integrated into the subdivision of the same name to the south? What type of preservation and/or plantings will be provided in the two open space lots along Lover lane?
31	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.	+/-	There is no open space directly abutting the subject site from adjacent existing or proposed subdivisions. Will a signature be proposed in the open space lots? How will the open space be utilized?
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There does not appear to be any significant natural resources on the subject site
33	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 contains hydric soils. Additionally, severely erodible soils have been indicated from Docket 10-14-03 crossing into the subject site from adjacent Farms of Lovers Lane, PH 3. How will hydric soils be mitigated? Have potential wetlands been identified?
34	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 does not appear to have an historic or architectural features of significance.
35	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.	+/-	MSD will ensure proper drainage in coordination with the proposed development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	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.	+/-	Information is needed on the impact to Lovers Lane and improvement projects along this roadway. All Public Works/Transportation Review comments should be addressed.
37	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.	✓	Street connections are being made and continued through the development. Fern Creek Small Area Plan recommendation 7.4.5 should be considered as a cut-through will be created from Billtown Road to Lovers Lane.
38	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.	✓	Streets and sidewalks are in compliance with the LDC. The nearest transit stop is at Seatonville Road and Bardstown Road.
39	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.	+/-	Has a stub to adjacent property to the North and continuation of Gordon Farm Trace been discussed? Arbor Wood Drive Stubs into a nearby parcel to the North. A future continuation could be achievable.
40	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.	✓	Density is only slightly higher and has frontage on a collector level roadway.
41	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.	✓	Sycamore Bend Trace is a local road. Lovers Lane is a collector level roadway. Lovers Lane continues to Seatonville Road and connects to Bardstown Road which is a commercial corridor.
42	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 and streets are provided to encourage the safe movement of pedestrians and vehicles. Fern Creek Transportation recommendation for cut-through streets should be considered as traffic could flow through development from Billtown Road to Lovers Lane. Sidewalks are not available en route to Bardstown Road which is a commercial and major transit corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	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 review and approval required. All MSD comments should be addressed.
44	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 proposal does not provide open space to allow for migration or create habitat corridors.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	+/-	Utility easements have been shown but locations are not yet approved. A Major Subdivision Record Plat will be required and at this time final locations of easements and approval will be given by applicable agencies.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	Fern Creek Fire expressed no concerns with the proposal. LWC has requested fire hydrant flow tests to ensure adequate pressure and flow rates.
47	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.	+/-	Any health department concerns should be addressed prior to public meetings. They do not appear to have any comments at this time.