

# Planning Commission Staff Report

February 21, 2019



<b>Case No:</b>	18ZONE1069
<b>Project Name:</b>	Blue Lick Road Subdivision
<b>Location:</b>	10505 Blue Lick Road & 3617 Mud Lane
<b>Owner(s):</b>	Multiple Owners
<b>Applicant:</b>	Pulte Homes
<b>Representative(s):</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Mark Fox
<b>Case Manager:</b>	Joel Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4 to R-5, single-family residential
- **District Development Plan/Preliminary Subdivision Plan**

## CASE SUMMARY/BACKGROUND

121 single-family lots are proposed on 33 acres of land south of Interstate-265 and adjacent to the Commerce Crossing business park. The subdivision is divided into two sections. One section has access from Blue Lick Lane and the other has access from Mud lane only. Stub streets will be provided to two adjacent properties located to the east and south of the proposed section having access from Mud lane. The site contains multiple streams and/or water courses.

## STAFF FINDING

The proposed district allows for a more suitable lotting pattern for housing that supports nearby employment centers within the form district while allowing a greater variety of housing types in the community. The district is compatible with the scale and site design of nearby residential development. Overall, the proposal conforms to the comprehensive plan.

The Planning Commission will need to determine based on staff's findings, testimony, and evidence provided at the hearing that the concerns noted in Guideline 4, Policy 5 and Guideline 5, Policy 1 (Item 18 & 19 of the Comprehensive Plan Staff Analysis) are appropriate for the community and development of the subject site. These concerns were also noted in item 1 of the standard of review for the development plan. MSD has preliminarily approved the drainage plans.

## TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the plan.

## 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 CHANGE IN ZONING**

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

#### **The site is located in the Suburban Workplace Form District**

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposed district allows for a more suitable lotting pattern for housing that supports nearby employment centers within the form district. Further, it allows for the introduction of a variety of housing types in the community where it would otherwise be homogenous R-4 development. The proposal is generally compatible within the scale and site design of nearby existing development as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Future building design will be compliant with residential site design standards contained in LDC 5.4.2. Structures will be setback as required by the Land Development Code, neighborhood form district design standards for residential development

The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Connectivity of each section would result in further environmental degradation. Sidewalks are provided throughout the subdivision. TARC service is not currently available.

Natural features will be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. However, this flow of water would potentially be impacted by the underlying R-4 zoning district and based on the requirements of MSD with respect to intermittent streams and conveyance zones the channelization could occur without a zoning change. However, the channelization of water flow from Mud Lane will most likely increase the likelihood that the peak flow will not increase on properties to the North of the subdivision but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity.

**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 site contains natural features that may be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. The channelization of water flow from Mud Lane will likely not increase the peak flow on properties to the North of the subdivision, but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity.

- 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 ....

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

STAFF: Open space is not required of the proposed development. The proposal does provide open areas in locations of stream corridors.

- 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. The site contains natural features that may be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. The channelization of water flow from Mud Lane will likely not increase the peak flow on properties to the North of the subdivision, but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity. MSd will monitor this situation closely at the time of construction plan approval.

- 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 proposal is generally compatible within the scale and site design of nearby existing development as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Future building design will be compliant with residential site design standards contained in LDC 5.4.2. Structures will be setback as required by the Land Development Code, neighborhood form district design standards for residential development

- 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 plan generally conforms to the comprehensive plan as demonstrated in the Cornerstone 2020 Staff Analysis included as Attachment 3 of the staff report.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4 to R-5, single-family residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **District Development Plan/Preliminary Subdivision Plan**

**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/15/19	Hearing before LD&T on 1/31/19	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
2/6/19	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	Hearing before PC	Sign Posting on property
2/9/19	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone2020 Staff Analysis
4. Proposed Binding Elements





### 3. Cornerstone 2020 Staff Checklist

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

#### Suburban Workplace: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	Structures will be setback as required by the Land Development, neighborhood form district design standards for residential development.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	✓	A standard R-4 subdivision is permitted by right in the underlying zoning district. The proposed district allows for a more suitable lotting pattern for housing that supports nearby employment centers within the form district.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	Public sidewalks and connectivity to adjacent lands for future development is provided.
4	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 is generally compatible within the scale and site design of nearby existing development as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout.
5	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.)	✓	Building design will be complaint with residential site design standards contained in LDC 5.4.2

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
6	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 adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Abutting uses are primarily residential. Open space and tree canopy is being provided adjacent to a JCPS bus compound.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal does not appear to require any traffic mitigation measures.
8	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 comply with LDC 4.1.3
9	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 allows for the introduction of a variety of housing types in the community where it would otherwise be homogenous R-4 development.
10	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 proposal is for medium density residential consistent with the adjacent development to the north and located within proximity to employment centers.
11	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 proposal allows for the introduction of a variety of housing types in the community which may include housing for the elderly or persons with disabilities.
12	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 proposal allows for the introduction of a variety of housing types in the community which may include appropriate/inclusive housing



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
13	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.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as open space has been provided adjacent to the JCPS bus compound and protected waterway provides transitions form the employment center
14	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.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as open space has been provided adjacent to the JCPS bus compound and protected waterway provides transitions form the employment center.
15	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.	✓	Structures will be setback as required by the Land Development, neighborhood form district design standards for residential development.
16	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 is provided in a manner that does not serve the community as it is to the rear of lots and does not function. The lotting pattern is compatible as well.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	✓	There is no established pattern of open space within the nearby workplace form.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	-	The site contains natural features that will be significantly modified as a result of the proposed subdivision, specifically an area of water flow from Mud Lane to the open space area that separates the two sections. This feature is not integrated into development but rather channelized and removed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
19	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.	-	Natural features will be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. This flow of water would potentially be impacted by the underlying R-4 zoning district and based on the requirements of MSD with respect to intermittent streams and conveyance zones the channelization could occur without a zoning change. However, the channelization of water flow from Mud Lane will most likely increase the likelihood that the peak flow will not increase on properties to the North of the subdivision but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity.
20	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.	✓	Historic resources are present on the subject property. All proper documentation prior to demolition will be provided.
21	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
22	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 as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Connectivity of each section would result in further environmental degradation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
23	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 within or abutting the development.
24	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 as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent.
25	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.	✓	Access is through areas of similar intensity and density.
26	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 as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Connectivity of each section would result in further environmental degradation.
27	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 are provided along all road frontages and connections have been made to adjacent land. TARC service is not available.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
28	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. As a result of channelization of water flow from Mud Lane there is a likelihood that the peak flow will not increase on properties to the North of the subdivision but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud Lane, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity. MSD will monitor the situation closely at the time of construction plan submittal.
29	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.	✓	Natural corridors for protected waterway to the east of the proposed development is being preserved.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities
31	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 will have access to an adequate supply of potable water and water for fire-fighting purposes.
32	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 will have adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. MSD will monitor the situation closely at the time of construction plan submittal

#### **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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.
6. 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."
7. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
8. 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.

9. 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.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
11. 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.