

Land Development & Transportation

Staff Report

March 9, 2017



Case No:	16ZONE1077
Project Name:	Signature Point
Location:	1111 Rose Hill Lane
Owner(s):	PBI Bank, Inc.; Signature Point Development, LLC
Applicant:	Elite Homes, Inc.
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC – Bill Bardenwerper
Project Area/Size:	88.5 acres (Total); 1.6 acres (Tract 4)
Existing Zoning District:	R-5A, R-6, & PRD
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

REQUESTS

- **Change-in-Zoning** from R-5A, Multi-Family Residential to R-6, Multi-Family Residential
- **Revised General District Development/Major Preliminary Subdivision Plan**
- **Revised Detailed District Development Plan**
- **Variance** from Land Development Code (LDC), section 5.3.1.C to encroach into the required 15' Front and Street Side yards
- **Variance** from LDC, section 4.4.3.A.1.a.i to allow a fence in the street side/front yards to exceed 48"

CASE SUMMARY

The applicant requests a rezoning from R-5A to R-6 for twenty existing multi-family condominium units located on Tract 4 of a mixed-residential community in Eastern Jefferson County along South English Station Road; more precisely located in the Northeastern quadrant at the intersection of Interstate-265 and Interstate-64. Christian Academy of Louisville abuts this mixed-residential community at its Northern border. Private roads/drive lanes currently border and provide access to the condominium units. These roads will be converted to public rights-of-way. The result of converting these private roads to public roads necessitates the need for a rezoning of the property to a zoning district with a slightly higher residential density per acre and greater floor area ratio (FAR) as the R-5A district permits only a maximum of 12.01 dwelling units per acre at an FAR 0.5. The R-6 zoning district allows 17.42 dwelling per acre at a maximum FAR of 0.75. The proposal complies with the density and FAR of the R-6 zoning district. Density will be 12.5 dwelling units per acre at a FAR of 0.7.

In conjunction with this request for rezoning, a revised general/ major preliminary subdivision plan and revised detailed district development plan is being requested from the most recent approvals granted in cases 16DEVPLAN1182 & 16SUBDIV1002 by the Development Review committee on December 14, 2016. This approval was granted for 20 existing multi-family condominium units (the subject of the current rezoning), 178 single-family lots, and 288 multi-family apartment units. There are no significant changes to these previously approved plans. The goal of making this request in conjunction with the rezoning is to maintain consistency in binding elements across the Signature Point development site and to maintain an organized record for the case history moving forward towards construction and occupation.

A variance is required for the existing structures subject to the rezoning and located on Tract 4 to encroach upon the required front and street side yards as the result of right-of-way creation. A variance has also been requested to allow the height of a four-board fence along S. English Station Road to exceed the maximum height of four feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-Family	R-5A	N
Proposed	Multi-Family	R-6	N
Surrounding Properties			
North	Single-Family	PRD	N
South	Single-Family	R-6	N
East	Single-Family	R-5A	N
West	Single-Family	PRD	N

PREVIOUS CASES ON SITE

- 9-59-02: Change-in-zoning from R-4 to R-5A & R-6 (approved by Fiscal Court 12/10/02) RDDDP with waivers (approved by LD&T 6/9/05)
- B-96-05: Variance to allow multiple structures and VUA to encroach into required yards
- B-247-05: Variance to exceed maximum height
- 8524: Variance for Clubhouse to exceed maximum height
- 9208: RGDDP/RDDDP for development site with revisions to the proposed units along the Northern boundary and landscape waiver (approved by DRC 8/15/07)
- 11841: RDDDP for Southern portion/apartments lot of development site (approved by DRC 7/1/09)
- 15369: RDDDP for Southern portion/apartments lot of development site (approved by staff 3/17/11)
- 15739: Amendment to Binding Elements for building materials
- 13ZONE1010: Change-in-zoning from R-5A & R-6 to PRD with RDDDP, Major Preliminary Subdivision Plan, and variance (approved by Metro Council 12/23/13)
- 16DEVPLAN1182 & 16SUBDIV1002: RGDDP/Subdivision and RDDDP for 20 existing multi-family condominium units, 178 single-family lots and 288 multi-family apartment units (approved by DRC 12/14/16)

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 of 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.

TECHNICAL REVIEW

All agency comments appear to have been addressed.

STAFF CONCLUSIONS

The proposed application for change in zoning from R-5A to R-6, supporting documentation, revised major preliminary subdivision plan, and revised detailed district development plan; and variance are in order. This case is ready to be docketed for a public hearing before the Planning Commission.

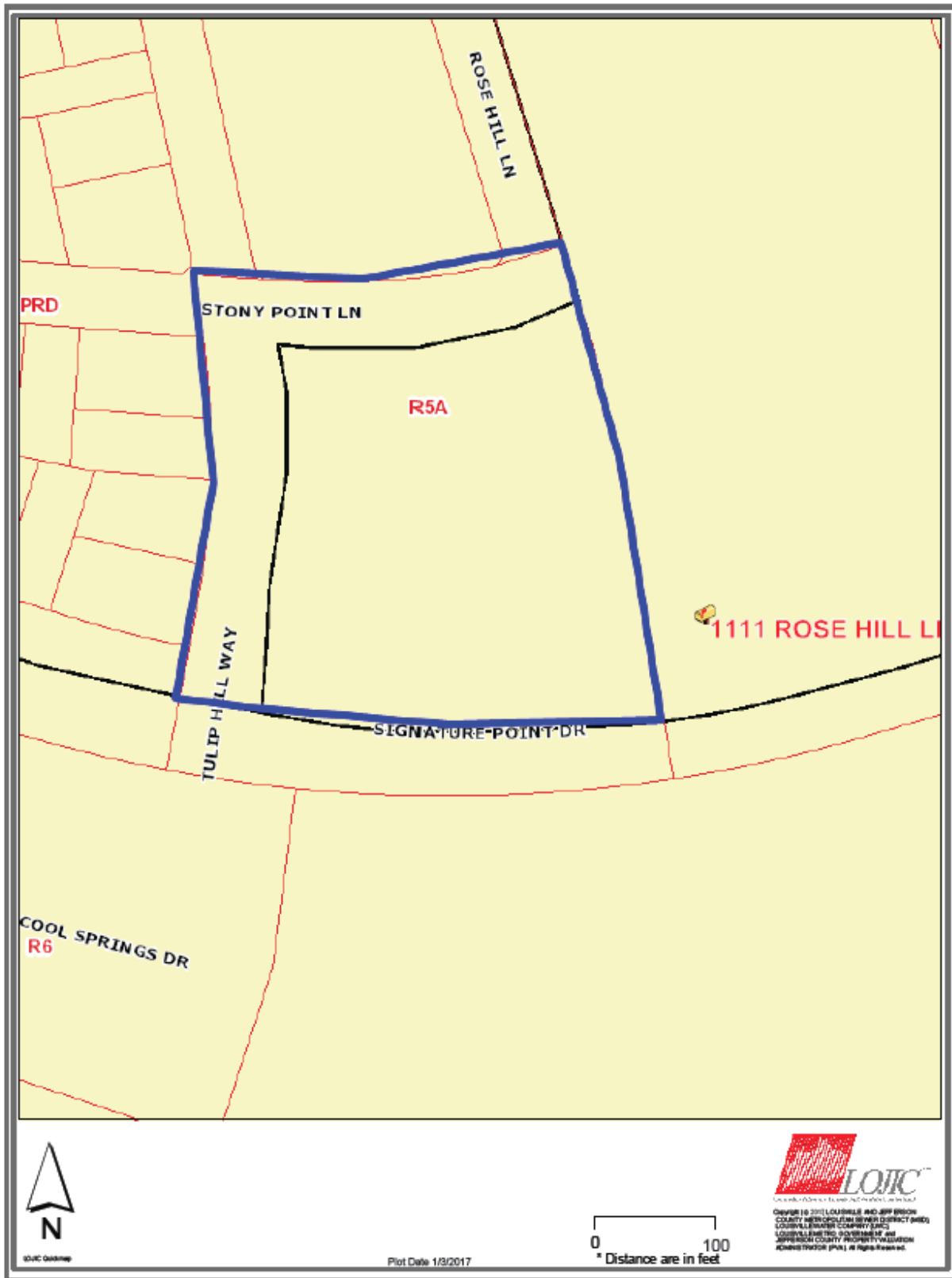
NOTIFICATION

Date	Purpose of Notice	Recipients
2/24/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 20 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. Existing Binding Elements for case 16DEVPLAN1182/16SUBDIV1002 (9-59-02 & 13ZONE1010)
4. Proposed Binding Elements (16ZONE1077, 13ZONE1010, & 9-59-02)

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements for case 16DEVPLAN1182/16SUBDIV1002 (9-59-02 & 13ZONE1010)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Unless approved by the Planning Commission, the number of single-family lots shall not exceed 178 lots at a gross density of 4.1 dwelling units per acre; the total number of multi-family/apartment units on Tract 1 shall not exceed 288 units at a density of 17.25 dwelling units per acre; the number of multi-family/condominium units on Tract 4 shall not exceed 20 units at a density of 5.7 dwelling units per acre; and all areas labeled as open space shall remain undeveloped.
4. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
5. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
6. Outdoor lighting in driving areas and parking lot illumination shall be either standard residential coach style lighting or of a type that directs light down and away from surrounding residential properties, which later type lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible from residential areas off-site. Building mounted fixtures shall be similar coach lamp style or porch lights with no wattage in excess of 75 watts. Light levels due to lighting on the subject site shall not exceed 0.5-foot candles measures at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District.

- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 record 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.
10. 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.
11. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
12. 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.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. The dumpster/compactor(s) shall not be emptied between the hours of 10 p.m. and 7 a.m.
15. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the 12/14/17 Development Review Committee hearing.
16. A 75-foot building setback shall be provided along S. English Station Road. No structures, except for approved signature entrance shall be permitted.
17. The developer shall, at its expense, construct a 7-foot chain link fence with black vinyl coating with a variety of deciduous and evergreen trees planted along this fence line on 10-foot centers along the entire property line common to Christian Academy of Louisville property. The fence shall be constructed at the earliest of the following times: (A) before construction begins on the buildings along the north line of the subject property; or (B) one year after site work begins anywhere on the subject property. The fence shall be perpetually maintained by the developer or its successor (Condominium Council, Homeowner Association, etc.).
18. Construction fencing at least 6 feet tall shall be erected at the developer's expense along the entire common property line with Christian Academy of Louisville before any site work or construction work begins on the subject property. That fence shall be maintained thereafter by the developer until the fence described in the Binding Element No. 17 is constructed.
19. Developer shall reserve for Kentucky Department of Transportation acquisition up until December 31, 2007 the undeveloped land shown on the District Development Plan as presented at the October 17,

2002 Planning Commission meeting. Developer shall not file for any development plan approval, and KDOT shall have the right, but not the obligation, to acquire said land, Developer stating its intention in these signed binding elements to reach an agreed upon price with KDOT for the land, said land being further reserved in accordance with the District Development Plan by the developer for future KDOT improvements in the I-64/I-265 interchange.

20. Developer shall provide detention on site unless MSD decides that detention is not necessary or agrees to accept payment of the regional facility fee in lieu of detention or unless detention can be provided and reserved on future KDOT right-of-way as approved by MSD and KDOT.
21. Before this Developer seeks a certificate of occupancy for its first building, if the road improvements previously required in Docket 9-28-01 and 9-20-01LW have not been made along U.S. 60 and South English Station Road as required by those two projects, then this Developer shall be responsible for making those South English Station Road and U.S. 60 road improvements, if any yet to be made. Provided, however, that the Planning Commission shall use its best efforts (with the assistance of the Public Works Department) to assist this Developer in obtaining reimbursement from the developers of the referenced projects for the costs of the road improvements previously imposed upon the developers in the referenced cases, prior to Public Works approval of construction plans for either of those two projects. Such improvements shall be made prior to issuance of the first certificate of occupancy.
22. In addition to the third (center turn) lane across the frontage of the development which this Developer is obligated to construct by virtue of a note on the approved district development plan, Developer shall also be responsible for constructing the third (center turn) lane from its property line north (in front of Christian Academy) along South English Station Road to the point along South English Station Road where the two lanes become three lanes in front of the Landis Lakes subdivision. Said improvements shall be completed prior to requesting the first certificate of occupancy for the development.
23. A noise study and mitigation measures, if any, as identified by the study shall be required prior to building permits for any residential structure within 250 feet of driving lanes along I-64 or I-265.
24. All new street name signs shall comply with the manual on Uniform Traffic Control Devices (MUTCD). The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
25. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
26. 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.

3. Proposed Binding Elements (16ZONE1077, 13ZONE1010, & 9-59-02)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
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 - 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.
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