

# Planning Commission Staff Report

November 17, 2016



<b>Case No:</b>	16area1004
<b>Request:</b>	<b>Area-wide Change in Zoning and Form District for the Highview Neighborhood</b>
<b>Project Name:</b>	<b>Highview PDD</b>
<b>Location:</b>	<b>Multiple properties in the Highview Neighborhood</b>
<b>Owner:</b>	<b>Multiple Owners</b>
<b>Applicant:</b>	<b>Louisville Metro</b>
<b>Representative:</b>	<b>Louisville Metro</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>23-James Peden</b>
<b>Case Manager:</b>	<b>Ken Baker, AICP, Planning Manager</b>

## REQUEST

- Area-wide change in zoning for multiple properties in the Highview Neighborhood to Planned Development District (PDD) and a revision of the existing Town Center (TC) Form District

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

On November 10<sup>th</sup>, 2015, the Louisville Metro Council adopted the Highview Neighborhood Plan. The plan established a unified vision for the future of the Highview Neighborhood through a community driven process led by a local stake holder group, community citizens, CM James Peden, and Louisville Metro's Office of Advanced Planning. A predominant theme of the plan was the establishment of standards that would influence design and land use in a manner that is compatible with the existing character of the Highview Neighborhood while still encouraging a diversity of future growth in the area. The establishment of the Planned Development District and a revision to the existing Town center Form District intends to create a "Downtown Highview" that is a lively center of activity with an enhanced "Main Street" character and charm and attracts compatible infill development that balances existing local businesses and landmarks.

The revised Town Center (TC) Form District will reflect the newly established PDD. Properties that are proposed to be removed from the existing Town Center Form District will then be in the Neighborhood Form District. The PDD and Town Center boundary focuses on the Fegenbush Lane corridor for roughly one mile from Vaughn Mill Road to Beulah Church Road. The district is currently book ended by two strip retail shopping centers, both of which have seen a variety of tenants and undulating economic vibrancy. These two book ends are connected by Fegenbush Lane which is a current mix of heavy commercial uses, residential, retail and entertainment.

The proposed Highview PDD and Town Center covers a breadth of different properties and land uses. Within that variety however, is a pattern of development that represents a series of unique districts within the PDD. As such, three PDD sub-areas have been defined. Each sub-area offers a unique set of challenges and opportunities for future development and place making opportunities within the Highview Neighborhood. The sub-areas are as follows:

- **The Central Corridor Sub-area**, along the Fegenbush Lane Corridor is intended to create a critical mass of pedestrian focused uses in a well-connected, walkable small town type environment. Within

this sub-area, the presence of the auto mobile will be well balanced with other multi-modal options that allow an 8-80 lifestyle for folks who live within and around the corridor.

- **The Gateway Subareas** bookend the Fegenbush Corridor. Each Gateway has unique contextual characteristics, but each shares a large amount of development potential given the underutilized nature of their former shopping centers. These subareas will need to allow for better connectivity and serve as a signifier that visitors are entering a Town Center.
- **The Outer Loop sub-area** is unique in that none of its properties front the more traditional town center corridor; it is aligned with a subdivision entrance and has a large amount of underutilized property. This sub-area will include a mix of uses with a focus on commercial and residential. A key component of this sub-area will be the transitions it makes to surrounding residential developments

The proposed rezoning and change in form district affects 150 parcels and is an implementation of the following recommendations of the Highview Neighborhood Plan:

Number	Recommendation
LU1	<b>Revise Town Center Form District Boundaries</b> - The Town Center Form District is intended for "compact areas with moderately intense uses that are developed around an identifiable core." The proposed form district boundary creates two focal points around Outer Loop and Beulah Church Road, and the second at the intersection of Vaughn Mill Road and Fegenbush Lane. A corridor along Fegenbush Lane connects the two focal points to create a continuous town center. Appropriate uses for the Town Center should be developed and implemented through an area-wide rezoning to Planned Development District to promote compact development with a mix of moderately intense uses
LU6	<b>Limit Future Commercial Zoning within the Town Center and Neighborhood Nodes</b> - To preserve and protect the existing neighborhood character, future commercial development should be limited to the Town Center and Neighborhood Nodes as illustrated in Figure 3.7. Concentrating commercial development helps build a critical mass that is beneficial to both the commercial uses and preserving the character of the remainder of the neighborhood by limiting potential expansion of fragmented incompatible uses
LU7	<b>Limit Multifamily Residential within or Immediately Adjacent to the Town Center and Neighborhood Nodes</b> - The Town Center and Commercial Nodes are designed to accommodate more dense land uses such as commercial and multifamily residential. To help protect the single family residential character, future multifamily development will be limited to the Town Center and Commercial Nodes
CF1	<b>Adopt a Plan Development District (PDD) that incorporates Town Center Architectural Design Standards and uses</b> - Architectural design standards for the Town Center should be developed and implemented to further define an identifiable core in Highview.
CF2	<b>Incorporate Design Principles for Neighborhood Activity Centers/Nodes</b> - Design guidelines for new development/redevelopment within Neighborhood Nodes should be adopted to enhance the character of these areas and Highview
CF3	<b>Incorporate Design Guidelines for New Development/Redevelopment of Multi-Family Residential</b> - To ensure a high-quality of multi-family development in Highview, design guidelines should be developed and adopted for all multi-family development

In an attempt to better coordinate with the Sustain Louisville Plan, the Highview Planning Recommendations include overall sustainability principles as they relate to neighborhood and small area planning. While the neighborhood planning process does not traditionally call attention to specific sustainability objectives, neighborhood plans are inherently sustainable by promoting more thoughtful development patterns, walkability and multi-modal transportation options, and striving to preserve open space as an important community asset. The proposed change in zoning and form district support the following sustainability principles:

Number	Recommendation
S1	The plan promotes distinct, livable communities with high quality of place
S2	The plan promotes economic vitality of the community, stimulates quality development and job creation, business development
S3	The plan supports compact development/growth in urban and neighborhood centers
S4	The plan promotes a range of housing opportunities and choices, including affordable housing options
S7	The plan encourages connected, walkable neighborhoods that promote healthy lifestyles
S8	The plan supports and encourages community collaboration in development decisions

On July 28, 2016, the plan consultants Gresham Smith and Partners conducted a public charrette at the Central Government Center (7201 Outer Loop) to present the proposed PDD and Town Center. All affected property owners were invited to attend along with groups signed up to receive notice of Planning Commission meetings within Council District 23. Councilman James Peden also advertised the charrette through his district newsletter and other channels. Attendees were predominately in agreement with the proposal and associated regulations. There was some recurring concern over the proposed permitted height and density of the PDD. Following the charrette, Gresham Smith and Advanced Planning staff worked with Councilman Peden and the advisory group to mitigate these concerns. The revisions to the PDD's height and density requirements were amended to reflect these concerns.

Louisville Metro's Land Development Code uses a two tiered approach to zoning. The zoning districts listed in the Land Development Code govern permitted and conditional uses, and density/intensity standards. The form district regulations are used in conjunction with the zoning district regulations, and set forth site design standards to provide a pattern or rhythm of development within each form district. Therefore, changes to zoning districts mainly affect the uses permitted on the property, as well as the density and intensity of development permitted.

### **INTERESTED PARTY COMMENTS**

Michael Gross emailed the following comment to Ken Baker on 10/07/2016

*On behalf of Overlook Development, LLC the owner of 7411 Outer Loop we are hereby requesting that our property be removed from the Highview Planned Development District. Our development approvals have been embroiled in legal battle since 2012 for which we just won at the appeals process mid-September of 2016. We are adamantly opposed to the rezoning of our property and the loss of the development approvals which we fought long and hard to secure at such a great financial expense.*

*Please confirm that Highview PDD will be modified to exclude our property.*

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code  
Highview Neighborhood Plan  
Sustain Louisville

### **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 REZONING

**WHEREAS**, the Planning Commission finds that the area wide rezoning complies with the applicable guidelines and policies of Cornerstone 2020.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 1, Community Form of Cornerstone 2020. The area wide rezoning will ensure that new development will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses. The neighborhood is comprised of predominantly residential uses and a grid pattern of streets, alleys and sidewalks.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 2, Centers of Cornerstone 2020. The area wide rezoning will promote an efficient use of land and investment in existing infrastructure. The area wide rezoning will encourage commercial, office and multi-family residential developments to take place in and around identified activity centers in the neighborhood. The area wide rezoning will encourage vitality and a sense of place in the neighborhood.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 3, Compatibility of Cornerstone 2020. The area wide rezoning will encourage commercial uses on these properties, which have been identified to have been used as commercial both historically and currently. The area wide rezoning will encourage commercial, office and multi-family residential developments to take place in and around identified activity centers in the neighborhood. For the reasons stated above, the area wide rezoning will preserve the character of the existing neighborhood.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 5, Natural Areas and Scenic and Historic Resources. The area wide rezoning will help preserve this historically single family residential neighborhood and encourage commercial, office and multi-family residential developments to take place in and around identified activity centers in the neighborhood.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 6, Economic Growth and Sustainability. The area wide rezoning will encourage commercial, office and multi-family residential developments to take place in and around identified activity centers in the neighborhood where existing infrastructure is adequate to support these uses.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 14, Infrastructure. The area wide rezoning will encourage effective and appropriate connections between land use patterns and supporting infrastructure.

**WHEREAS**, the Planning Commission further finds that based on the reasons stated above, or otherwise stated in the staff report, and as depicted in the maps presented at the Planning Commission public hearing, the area wide rezoning complies with all other Guidelines and Policies of Cornerstone 2020.

**WHEREAS**, the Planning Commission further finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The area wide rezoning will ensure that new development

will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses. The neighborhood is comprised of predominantly residential uses and a grid pattern of streets, alleys and sidewalks. The area wide rezoning will encourage a mix of appropriate uses according to the specified zoning district on the identified properties, some of which have been identified to have been used as commercial uses historically and currently.

### STAFF CONCLUSIONS

Staff analysis finds that the area wide rezoning complies with all applicable Guidelines and Policies of Cornerstone 2020, and that the existing zoning classification is inappropriate and the proposed zoning and form classifications are appropriate based on recommendations from the Highview Neighborhood Plan.

150 properties were considered under this area wide rezoning. 147 properties are proposed to be rezoned to PDD. 93 properties are proposed to change Form District from N to TC. 3 properties are proposed to change Form District from TC to N.

The Highview Planned Development District is an implementation of the 2015 Highview Neighborhood Plan. It is intended to develop a strategy for a renewed Highview Town Center. This vision focused on creating a town center corridor with a diverse mix of retail, commercial, office and residential uses with a clearer framework for creating a connected pedestrian friendly environment and identifying land uses that are compatible within the community context and vision.

#### Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to the legislative council of Louisville Metro government that the change in zoning and form as described in the staff report and maps presented at the Planning Commission public hearing, be **APPROVED or DENIED**

### NOTIFICATION

Date	Purpose of Notice	Recipients
10/27/16	Hearing before LD&T on 11/10/16	Affected property owners and 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
10/27/16	Hearing before PC	Affected property owners and 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
11/9/16	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Proposed PDD and revised TC Form District Map
2. Existing Zoning Map
3. Existing Form District Map
4. PDD Sub-Area Map
5. Property List

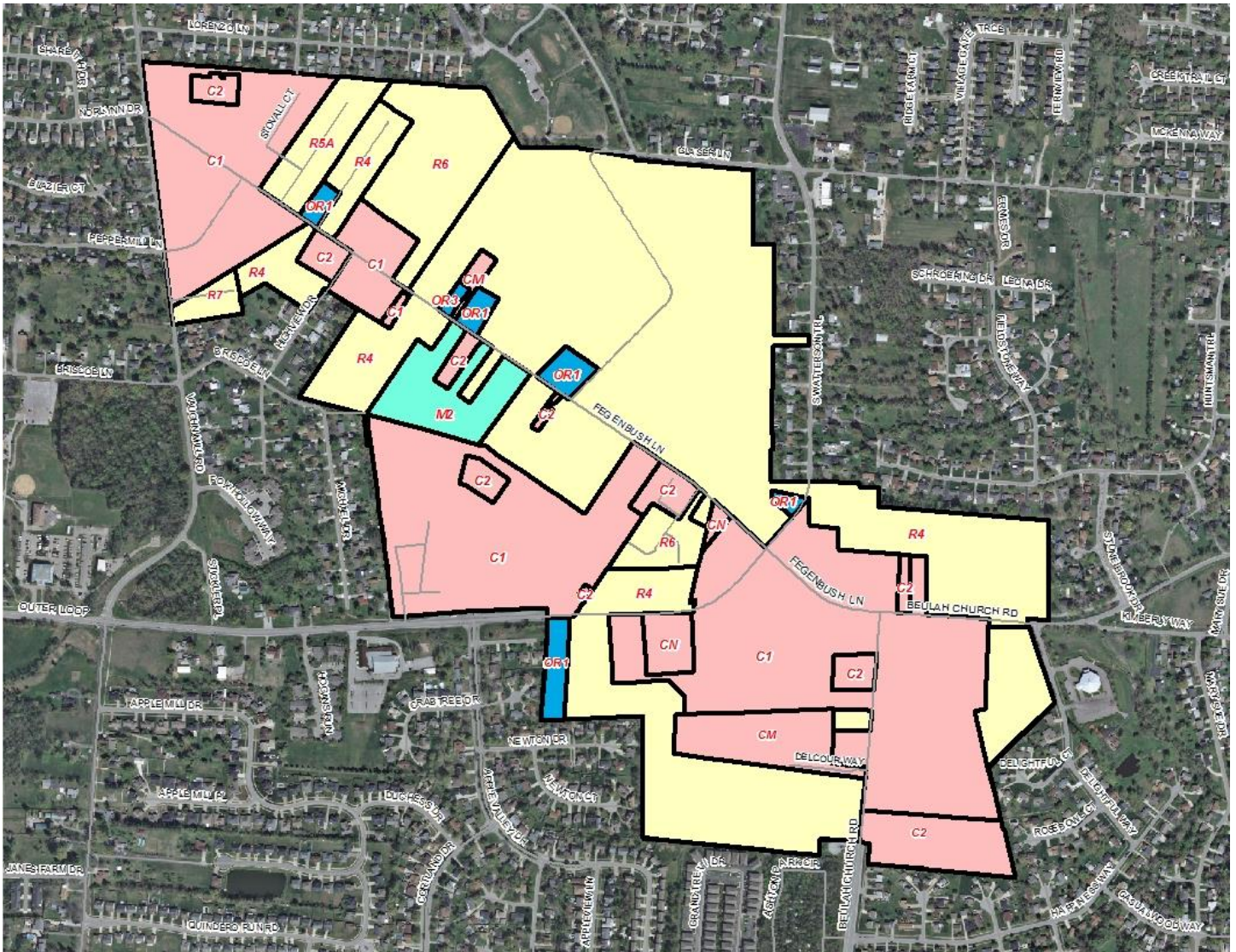


1. Proposed PDD and revised TC Form District Map





2. Existing Zoning Map





### 3. Existing Form District Map





4. **PDD Sub-Area Map**

**PLANNED DEVELOPMENT SUBAREA MAP**



The Highview PDD includes three distinct sub-areas as indicated above. Each sub-area has unique contextual relationships that should be addressed both through allowable land uses as well as varied design guidelines.

## 5. Property List

Parcel ID	Acreage	Address	Current Zoning	Current Form District
064601800000	0.88560	7608 FEGENBUSH LN	R4 & C2	N
064500460000	4.25710	7207 FEGENBUSH LN	C1 & C2	N
064503050000	1.59990	7200 PEPPERMILL LN	C1	N
064501520000	0.45280	7207 LAYMAN DR	R4	N
064602170000	0.85930	FEGENBUSH LN	C1	TC
064602130000	0.55640	7935 FEGENBUSH LN	C1	TC
064600730000	0.43200	7508 GLASER LN	R4	N
064601780000	0.88530	7702 FEGENBUSH LN	R4	N
064600200000	1.02620	7814 OUTER LOOP	C1	TC
064603530000	0.74450	7800 OUTER LOOP	C1	TC
064500410000	1.16610	7308 R FEGENBUSH LN	R4 & C1	N
064601970000	0.40080	7500 FEGENBUSH LN	R4	N
064602300000	0.35870	7912 BEULAH CHURCH RD	C2	TC
064602880000	0.41300	7818 OUTER LOOP	C1	TC
064601510000	0.88530	7706 FEGENBUSH LN	R4	N
064602790000	10.01700	7411 OUTER LOOP	C1	TC
064600080000	1.02010	7609 FEGENBUSH LN	OR1	N
064500960000	0.29640	7204 LAYMAN DR	R4	N
064602370000	2.15080	7408 FEGENBUSH LN	R4 & C1	N
064601900000	0.42180	7705 OUTER LOOP	R4	TC
064601560000	0.21060	7917 FEGENBUSH LN	R4	TC
064502760000	0.33770	7105 FEGENBUSH LN	C1	N
290700K10000	4.49090	8306 JUANITA GOINS CT	R6 & C2	TC
064600110000	4.10610	7412 FEGENBUSH LN	R4 & C1	N
064500400000	7.83830	7303 FEGENBUSH LN	R5A & C1	N
064603470000	1.22170	7700 OUTER LOOP	C1	TC
064500700000	0.45820	7309 FEGENBUSH LN	OR1	N
064500850000	0.27650	7208 LAYMAN DR	R4	N
064602070000	1.25510	7508 FEGENBUSH LN	M2	N
064600840000	0.88550	7710 FEGENBUSH LN	C1	N
064600560000	0.06360	7920 FEGENBUSH LN	C1	TC
064601430000	1.67960	7914 FEGENBUSH LN	C1	TC
064601570000	0.24950	7915 FEGENBUSH LN	R4	TC
064601870000	0.42440	7711 OUTER LOOP	R4	TC
064603120000	0.35730	7707 OUTER LOOP	R4	TC
064603000000	4.27270	OUTER LOOP	C1	TC
064503000000	1.05990	7314 FEGENBUSH LN	R4 & C2	N
064600780000	1.05640	8007 BEULAH CHURCH RD	R4 & C2	TC
064600610000	2.81670	7504 FEGENBUSH LN	M2	N
064601550000	0.88530	7606 FEGENBUSH LN	R4 & C2	N
064500250000	1.08320	7308 FEGENBUSH LN	R4 & C1	N

Parcel ID	Acreage	Address	Current Zoning	Current Form District
064600460000	2.29640	7512 FEGENBUSH LN	R4 & M2	N
064502890000	0.60920	7300 FEGENBUSH LN	C1	N
064600830000	0.93690	7505 FEGENBUSH LN	OR3 & CM	N
064500590000	0.82980	7209 VAUGHN MILL RD	C1	N
064503210000	1.08230	7213 VAUGHN MILL RD	C1	N
064601860000	0.36860	7713 OUTER LOOP	R4	TC
064602090000	0.42490	7709 OUTER LOOP	R4	TC
064601810000	0.39920	7701 OUTER LOOP	R4	TC
064600480000	0.17860	7920 BEULAH CHURCH RD	C1	TC
064600120000	0.93840	7506 FEGENBUSH LN	C2 & M2	N
064502580000	0.93130	7201 FEGENBUSH LN	C1	N
064601760000	1.55600	7511 FEGENBUSH LN	R4	N
064502530000	0.36000	FEGENBUSH LN	C1	N
064500490000	2.65360	7409 FEGENBUSH LN	R6	N
064502040000	0.11660	7211 LAYMAN DR	R4	N
064500390000	0.84580	7313 FEGENBUSH LN	R4	N
064502910000	0.56330	7210 FEGENBUSH LN	C1	N
064600630000	0.52800	7510 FEGENBUSH LN	R4	N
064601880000	0.88530	7704 FEGENBUSH LN	R4	N
064600770000	0.91140	8005 A BEULAH CHURCH RD	R4 & C2	TC
064602480000	0.44600	7918 FEGENBUSH LN	C1	TC
064603030000	1.41820	7718 OUTER LOOP	C1	TC
064502880000	0.48300	7205 FEGENBUSH LN	C1	N
064502200000	0.32570	7216 LAYMAN DR	R4	N
064601190000	27.08670	7711 FEGENBUSH LN	R4 & OR1	TC & N
064602780000	13.81300	7525 OUTER LOOP	C1 & C2	TC
064500380000	4.75850	7405 FEGENBUSH LN	R6 & C1	N
064501970000	0.72580	7200 FEGENBUSH LN	C1	N
064502810000	0.32600	7202 FEGENBUSH LN	C1	N
064500550000	0.32320	7213 LAYMAN DR	R4	N
064600470000	2.86600	7507 FEGENBUSH LN	R4 & OR1	N
064602440000	0.59190	7925 FEGENBUSH LN	C1	TC
064600710000	0.71870	7601 FEGENBUSH LN	R4	N
064602560000	10.66220	7813 BEULAH CHURCH RD	C1	TC
064601540000	0.88530	7604 FEGENBUSH LN	R4	N
064503510000	0.33720	7301 FEGENBUSH LN	C1	N
064600550000	1.00480	7914 BEULAH CHURCH RD	C1 & C2	TC
064602570000	1.10670	8000 BEULAH CHURCH RD	C1	TC
064603520000	1.29310	OUTER LOOP	C1	TC
064600130000	0.78980	7698 FEGENBUSH LN	R4	N
064502270000	0.57550	LAYMAN DR	R6	N
064503020000	0.27410	7204 FEGENBUSH LN	C1	N
064502480000	0.66270	7206 FEGENBUSH LN	C1	N



Parcel ID	Acreage	Address	Current Zoning	Current Form District
064503150000	0.36870	7230 PEPPERMILL LN	C1	N
064602060000	0.83080	7700 FEGENBUSH LN	R4	N
064601300000	0.31260	7912 FEGENBUSH LN	CN	TC
064602950000	0.86220	8003 BEULAH CHURCH RD	R4 & C2	TC
064500870000	0.95500	7400 FEGENBUSH LN	C1	N
064500930000	0.29260	7212 LAYMAN DR	R4	N
064602660000	0.27540	7816 OUTER LOOP	C1	TC
064500650000	0.40410	7206 LAYMAN DR	R6	N
064500480000	5.13390	7401 FEGENBUSH LN	R6 & C1	N
064500620000	2.24750	7411 FEGENBUSH LN	R6	N
064600920000	2.54900	7413 FEGENBUSH LN	R6	N
064601930000	0.35270	7703 OUTER LOOP	R4	TC
064603270000	0.39700	7916 FEGENBUSH LN	C1	TC
064601480000	0.43520	7506 GLASER LN	R4	N
064603040000	1.26500	7933 FEGENBUSH LN	C1	TC
064600380000	0.30970	7808 FEGENBUSH LN	R4 & R6	TC
064603150000	1.78450	7710 OUTER LOOP	CN	TC
064603400000	0.27640	7618 GLASER LN	R4	N
064601170000	0.43550	7906 BEULAH CHURCH RD	R4	TC
064603440000	0.37150	7607 GLASER LN	R4	N
064600490000	0.39930	7908 BEULAH CHURCH RD	C1	TC
064602290000	0.66810	7516 GLASER LN	R4	N
064603350000	0.44560	GLASER LN	R4	N
064603420000	0.61670	7705 GLASER LN	R4	N
064603340000	0.29970	GLASER LN	R4	N
064603450000	0.56870	7605 GLASER LN	R4	N
064603430000	0.33110	7609 GLASER LN	R4	N
064601380000	6.16600	8102 BEULAH CHURCH RD	R4 & C1	N & TC
064600590000	10.47110	7808 BEULAH CHURCH RD	R4	TC
064600640000	2.06720	8019 BEULAH CHURCH RD	R4	N
064602110000	2.70810	8101 BEULAH CHURCH RD	R4	N
064600210000	1.01700	7816 BEULAH CHURCH RD	R4	TC
064600600000	1.91770	7600 GLASER LN	R4	N
064600370000	1.10230	8013 BEULAH CHURCH RD	R4	N
064602340000	1.12750	7602 GLASER LN	R4	N
064601830000	0.40640	7512 GLASER LN	R4	N
064601840000	0.57820	7514 GLASER LN	R4	N
064602860000	2.42400	7510 GLASER LN	R4	N
064600660000	0.82430	7614 GLASER LN	R4	N
064602310000	0.84400	7610 GLASER LN	R4	N
064602330000	1.00040	7606 GLASER LN	R4	N
064603410000	0.33700	7616 GLASER LN	R4	N
064603330000	0.30070	7711 GLASER LN	R4	N

Parcel ID	Acreage	Address	Current Zoning	Current Form District
064603390000	0.24910	7620 GLASER LN	R4	N
064602320000	2.91100	7608 GLASER LN	R4	N
064603270000	0.98350	7916 FEGENBUSH LN	C1	TC
064603140000	2.37520	7700 OUTER LOOP	R4 & C1	TC
064603250000	0.60310	BEULAH CHURCH RD	R4	TC
064603050000	1.18330	7715 BEULAH CHURCH RD	C1	TC
064602930000	1.14850	7713 BEULAH CHURCH RD	C1	TC
064602810000	2.87210	7711 BEULAH CHURCH RD	C2	TC
064602800000	1.86190	7709 BEULAH CHURCH RD	C2	TC
064602160000	0.99040	7814 BEULAH CHURCH RD	R4	TC
064603460000	0.52160	7603 GLASER LN	R4	N
064600450000	6.57190	7902 BEULAH CHURCH RD	C1 & CM	TC
064602080000	4.20240	7513 S WATTERSON TRL	R4 & C1	N & TC
064503080000	0.90180	7308 HIGHVIEW DR	R4	N
064500240000	1.93020	7303 VAUGHN MILL RD	R7 & C1	N
064600690000	1.21100	8015 BEULAH CHURCH RD	R4	N
064601890000	0.74650	7611 GLASER LN	R4	N
064603480000	1.41070	ADDRESS UNKNOWN	R4	TC
064603090000	1.53270	7600 OUTER LOOP	OR1	TC
064600570000	1.30020	8011 BEULAH CHURCH RD	R4	N
064603130000	1.54050	7616 OUTER LOOP	R4	TC