

**Planning Commission
Staff Report**
April 20, 2017



Case No.	16ZONE1076
Project Name	1207 Moser Road
Location	1207 Moser Road
Owner	Lillie M. Lillard
Applicant	Elite Built Homes
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	50.2 acres
Jurisdiction	City of Douglass Hills
Council District	19 – Julie Denton
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in zoning from R-4 Residential to R-5 Residential for 50.2 acres
- District Development Plan/Preliminary Subdivision Plan

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change from R-4 to R-5. The site is located within a Neighborhood form district; current development on the site consists of a vacant home and outbuildings, which are to be demolished. The 50.2 acre parcel will be developed with 161 buildable lots and six open space lots. The gross density of the proposed development plan is 3.2 units per acre, under the R-5 standard of 7.26.

A change from R-4 to R-5 zoning will result in modifications in dimensional standards for the buildable lots:

- decrease in minimum lot area from 9,000 to 6,000 square feet,
- decrease in minimum lot width from 60 to 50 feet, and
- decrease in street setbacks (front and street side) from 30 to 25 feet.

Remaining dimensional standards for side yards, rear yard setback and building height are unchanged.

The open space lots total 618,983 sq ft (28% of the site). The majority of this open space (87%) is concentrated along the southern boundary of the parcel and includes a 5.0 acre detention basin. The remainder of the open space is generally located between the rear lots lines of the buildable lots and along the perimeter of the parcel. The site has an existing tree canopy area of 949,500 sq ft (43%). 2% of this existing canopy is to remain; an additional 18% will be required to meet minimum requirements for the site.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant home and outbuildings	R-4	Neighborhood
Proposed	Single-family residential	R-5	
<i>Surrounding Properties</i>			
North	Single-family residential	R-4	Neighborhood
South	Single-family residential	R-4	
East	Two-family residential	R-5A	
West	Single-family residential	R-4	

PREVIOUS CASES ON SITE

There are no previous cases associated with the subject property.

INTERESTED PARTY COMMENTS

No comments have been received from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (City of Douglass Hills)

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

- The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
- The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
- 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 AND FORM DISTRICT CHANGES

The site is located within a 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 majority of the existing tree canopy is to be removed; new plantings will meet LDC requirements. Proposal has received preliminary approval from MSD.

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

STAFF: The proposal meets LDC requirements and has been granted preliminary approval by Public Works.

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

STAFF: There are no scenic or open space requirements associated with the site.

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

STAFF: MSD has reviewed the development plan and issued preliminary approval.

- e. The compatibility of the land use and overall site design, including location of buildings, parking lots, screening and landscaping, with existing and projected development in the area;

STAFF: The land use is compatible with surrounding residential development which includes single family homes on lots of various sizes. Proposed roadways and sidewalks connect with existing development on adjacent properties.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to or exceeds the requirements of the Comprehensive Plan, the Land Development Code and City of Douglass Hills requirements.

TECHNICAL REVIEW

- There are no outstanding technical issues to be addressed.

STAFF CONCLUSIONS

The proposal provides a housing option not available in the immediate area that is compatible with existing residential development on surrounding sites. It provides multi-modal access with appropriate connections to and improvements of the existing transportation system.

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

Action is required to recommend approval or denial of the zone change request to the City of Douglass Hills and to approve or deny the District Development Plan/Preliminary Subdivision Plan.

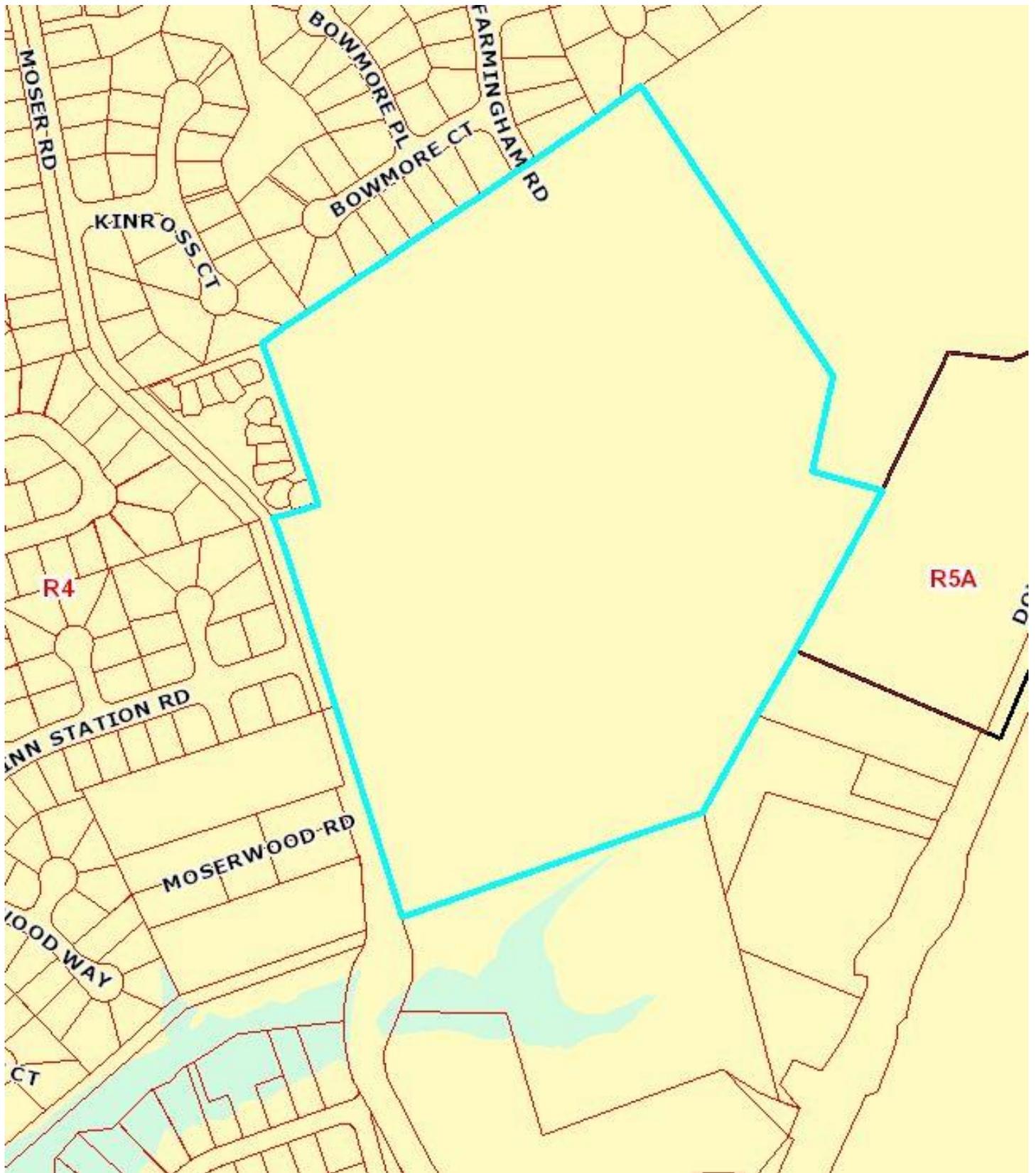
NOTIFICATION

Date	Purpose of Notice	Recipients
12/5/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 19
3/23/2017	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 19
4/6/2017	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 19
4/7/2017		Newspaper notification
4/5/2017		Site sign(s)

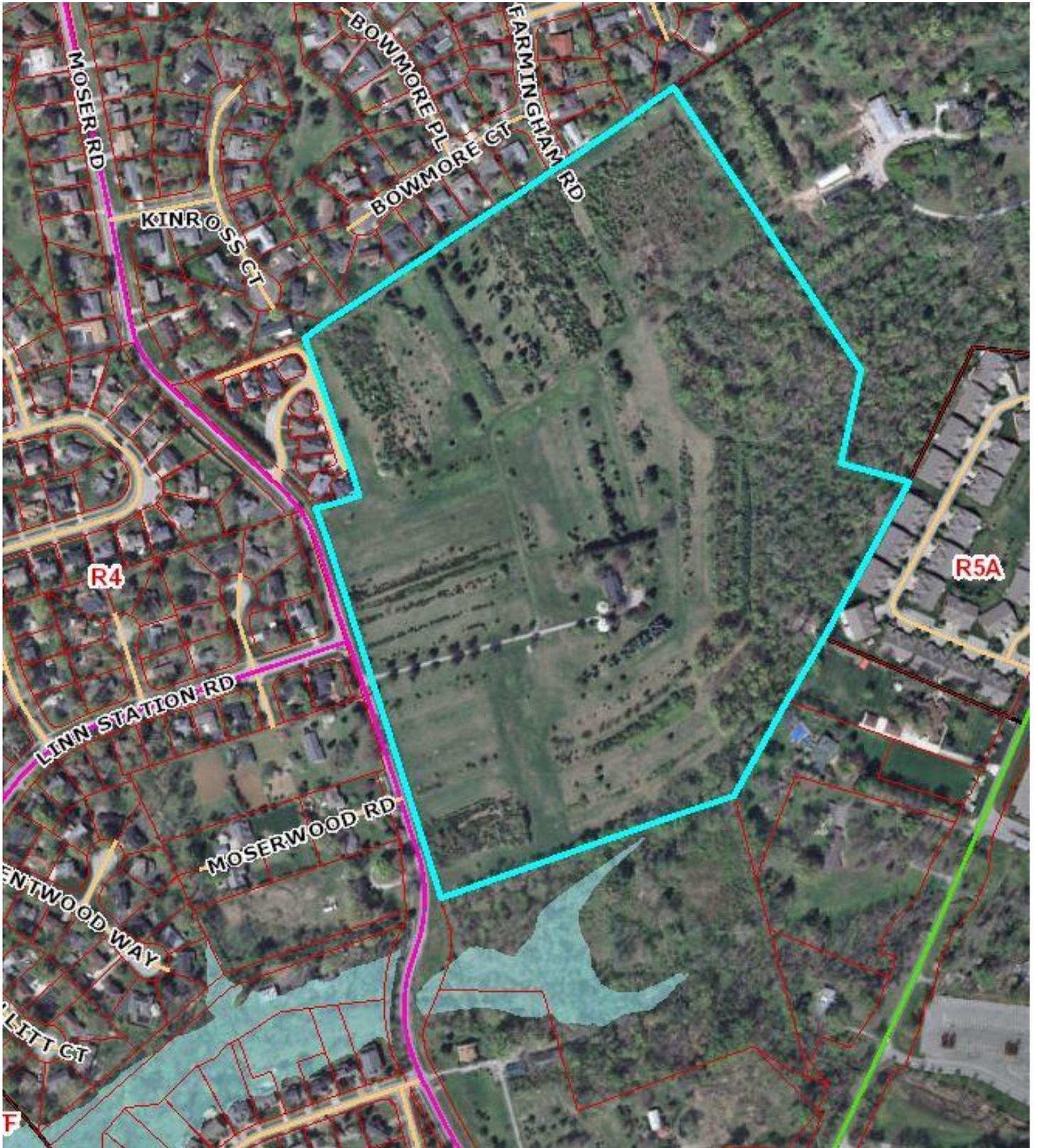
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Neighborhood: Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	Proposal is largely consistent with surrounding single-family residential development but provides smaller lots for better affordability and lower maintenance requirements.
2	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	Proposal is not high density.
3	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	NA	Proposal is largely consistent with surrounding single-family residential development.
4	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.	✓	Proposal includes sidewalks throughout and connects to two existing roadways. Blocks are long and proposal includes three cul de sacs and two bulbs.
Community Form/Land Use Guideline 2: Centers			
5	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	Proposal is not an activity center.
6	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	Proposal is limited to single-family residential uses.
7	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	Proposal is not compact but does not require extensive public infrastructure investment and does protect existing tree canopy.
8	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.	NA	Proposal is limited to single-family residential uses.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	Proposal is limited to single-family residential uses.
10	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	Proposal is limited to single-family residential uses.
11	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	Proposal is not an activity center.
12	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	Proposal is not an activity center.
13	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	Proposal is not an activity center.
14	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	Proposal is not an activity center.
15	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	NA	Proposal is not an activity center.
16	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	Proposal is not an activity center.
17	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	Proposal is not an activity center.
Community Form/Land Use Guideline 3: Compatibility			
18	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.	✓	Proposal is largely consistent with surrounding single-family residential development.
19	A.2: If a new development in a residential infill context, or if consideration of building materials is specifically required by the LDC, proposed building materials increase the compatibility of the new development.	NA	Proposal is not infill development and there are no requirements regarding building materials.
20	A.3: The proposal is compatible with adjacent residential areas and, if introducing a higher density use, uses appropriate mitigation including vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation.	✓	Proposal is largely consistent with surrounding single-family residential development.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	A.6: The proposal mitigates adverse impacts of its associated traffic impacts on neighboring development.	✓	Proposal has been granted preliminary approval by DPW.
22	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties and on the night sky.	✓	Proposal will meet LDC requirements.
23	A.10: The proposal includes a variety of housing types including, but not limited to, single family detached and attached, multi-family, zero lot line, average lot, cluster and accessory residential structures that reflect the form district pattern.	✓	Proposal consists solely of single-family housing but provides a housing type not currently available in the immediate vicinity.
24	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.	NA	Proposed use is not of higher density or intensity than surroundings.
25	A.13: The proposal creates housing for the elderly or persons with disabilities located close to shopping, transit routes and medical facilities.	✓	Smaller lot size may be appropriate for elderly and disabled residents. Site is located near transit and shopping.
26	A.14/15: The proposal creates appropriate/inclusive housing compatible with site and building design of nearby housing.	✓	Smaller lot size may be appropriate for elderly and disabled residents and is compatible with surrounding existing development.
27	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity/density such as landscape buffers, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	NA	Proposed uses are similar in scale, intensity and density to surrounding development.
28	A.22: The proposal mitigates negative impacts when incompatible adjacent development unavoidably occurs by using buffers of varying designs such as landscaping, vegetative berms and/or walls.	NA	Proposal is compatible with adjacent development.
29	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Smaller lot size may be appropriate for elderly and disabled residents. Site is located near transit and shopping.
Community Form/Land Use Guideline 4: Open Space			
30	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 its continued maintenance.	✓	Proposal includes open space that will be maintained via a Home Owners' Association.
31	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Proposal is consistent with adjacent development.
32	A.5: The proposal integrates natural features into the pattern of development.	✓	Proposal includes 26% open space.

Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
33	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.	✓	Areas of potential wetlands and near floodplain on adjacent property are set aside for tree canopy preservation.
34	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes with historical or architectural value and, if located within their impact area, is compatible in height, bulk, scale, architecture and placement.	NA	These conditions are not present on the site.
35	A.6: Encourage development to avoid wet or highly permeable soils and severe, steep or unstable slopes with the potential for severe erosion.	✓	Areas of potential wetlands and near floodplain on adjacent property are set aside for tree canopy preservation.
Mobility/Transportation Guideline 7: Circulation			
36	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 funding or other means.	✓	Proposal includes some roadway improvements and has received preliminary approval of DPW.
37	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses and contribute to their appropriate development. It proposal includes at least one continuous roadway through the development and adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of through roads.	✓	Proposal includes a through-street but also three cul de sacs and two bulbs. New streets connect to existing road network at Moser Road/Linn Station Road and at Farmingham Road.
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within and abutting the development.	✓	Proposal has received preliminary approval of DPW.
Mobility/Transportation Guideline 8: Transportation Facility Design			
39	A.8: The proposal provides adequate stub streets for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Proposal includes one stub street with potential future connection along property lines to Blankenbaker Parkway.
40	A.9: The proposal is not accessed through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The proposal is not accessed via areas of significantly lower intensity.
41	A.11: The proposal provides an appropriate functional hierarchy of streets and linkages between activity areas in and adjacent to the development site.	✓	The proposal includes one stub street and connects to an existing street and a stub on adjoining properties.

Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
42	A.1/2: The proposal provides for the movement of pedestrians, bicyclists and transit users around and through the development, connects to adjacent developments and to transit stops and is appropriately located for its density and intensity.	✓	Proposal has received preliminary approval of DPW.
Livability/Environment Guideline 10: Flooding and Stormwater			
43	The proposal's drainage plans have been approved by MSD, mitigate negative impacts to the floodplain and minimize impervious area. Solid blueline streams are protected through a vegetative buffer and drainage designs accommodate upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	Proposal has received preliminary approval of MSD.
Livability/Environment Guideline 13: Landscape Character			
44	A.3: The proposal includes additions and connections to a system of natural corridors that provide habitat areas and allow for migration.	✓	Proposal includes a significant tree canopy/open space of 11.7 acres along with several smaller open space areas.
Community Facilities Guideline 14: Infrastructure			
45	A.2: The proposal is located in an area planned for or currently served by public utilities.	✓	Public utilities have reviewed and approved the proposal.
46	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Waiting for LG&E review.
47	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.	✓	Proposal has received preliminary approval of MSD.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan/preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. A Tree Preservation Plan in accordance with LDC Chapter 10 shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded.
4. 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.

A note shall be placed on the preliminary plan, construction plan and record plat stating: "Construction fencing shall be erected prior to any grading or construction activities to prevent 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."
5. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
6. Tree Canopy Credit Areas (TCCAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of LDC 10.1 and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
7. The developer shall construct left turn lanes on Moser Road at Linn Station Road. The lanes shall be constructed prior to the first certificate of occupancy.

8. 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.
9. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.
10. Prior to the recording of the record plat, copies of 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 TCPAs and other issues required by these conditions of approval.
 - c. Bylaws of the Homeowners' Association in a form approved by the Counsel for the Planning Commission.
11. At the time that control of the Homeowners Association is turned 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. A subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
12. All street signs shall be installed by the developer prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. All signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. The address number shall be displayed on structures prior to requesting a certificate of occupancy for that structure.
13. 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.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots and ensure prevention of mosquito breeding until such time as the drainage bond is released.
15. Upon 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 shall be treated with a mosquito larvicide approved by the Louisville Metro Health Department and in accordance with product labeling. This language shall appear in the deed of restrictions for the subdivision.