

Planning Commission Staff Report

December 3, 2020



Case No:	20-ZONE-0087
Project Name:	Buechel Landing
Location:	4215-4229 Lambert Avenue
Owner(s):	Hugg Properties, LLC; Lee Ann & John Michael Hugg, Jr.; Randall & Theresa Yates; and Marilyn Graham
Applicant:	Council of Co-Owners
Representative(s):	Sabak, Wilson, & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-7, Multi-family Residential to UN, Urban Neighborhood
- **Amendment to Record Plat**
- **Detailed District Development Plan**

CASE SUMMARY

The subject properties are roughly ½ mile south of Bardstown between Fegenbush Lane and Buechel Bank Road. The properties consist of 4 tracts containing 2 detached, dwelling-units each. The proposed change in zoning will allow for the subdivision of the property to create 8 individual, single-family residential lots.

STAFF FINDING

The change in zoning conforms to the land use and development policies of Plan 2040. The proposed district allows for a continuation of the current pattern of a variety of residential options available in the area. The amendment to record plat is in order and meets requirements for approval. A minor subdivision plat will be reviewed and approved by Planning and Design Services staff prior to recording each the subdivision. The development plan is also adequately justified.

TECHNICAL REVIEW

- The request also requires amendment to the recorded subdivision plat to create more lots than originally approved by the Planning Commission. Land Development Code, section 7.1.91 provides that the Planning Commission shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the recorded plat amendment. A minor subdivision plat will be reviewed and approved by Planning and Design Services staff prior to recording each the subdivision.
- Preliminary plan approval has been received from Louisville MSD and Transportation Planning Review.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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 Plan 2040; 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 Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

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, incomes and abilities. 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, 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 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, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and 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.

The proposed district allows for a variety of housing styles in an area that supports alternate forms housing and lotting patterns and allows for the continuation of a variety of residential options. The associated development to subdivide the land allows for consistent development patterns with the area. The subject properties are located within proximity to major transportation and employment facilities, as

well as services and amenities. The change in zoning does not impact the built environment and allows for the expansion of home ownership through reduced sized lots.

Pedestrian facilities are encouraged, including sidewalks, to improve mobility and access for pedestrians within the community. However, the requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.

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 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 will not be impacted by the proposal.

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

STAFF: Pedestrian facilities are encouraged, including sidewalks, to improve mobility and access for pedestrians within the community. However, the request does not involve the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided on each proposed lot.

- 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 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.

- 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 proposed subdivision allows for the continuation of the current pattern of a variety of residential options available in the area and lotting patterns.

- 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 proposed development plan conforms to Plan 2040 as the proposed subdivision allows for the continuation of the current pattern of a variety of residential options available in the area. Subdivision of the land allows for consistent development patterns with the area. The subject properties are located within proximity to major transportation and employment facilities, as well as services and amenities. The proposed subdivision does not impact the built environment and allows for the expansion of home ownership through reduced sized lots.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-7, Multi-family Residential to UN, Urban Neighborhood on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Amendment to Record Plat**
- **APPROVE** or **DENY** the **Amendment Detail District Development Plan**

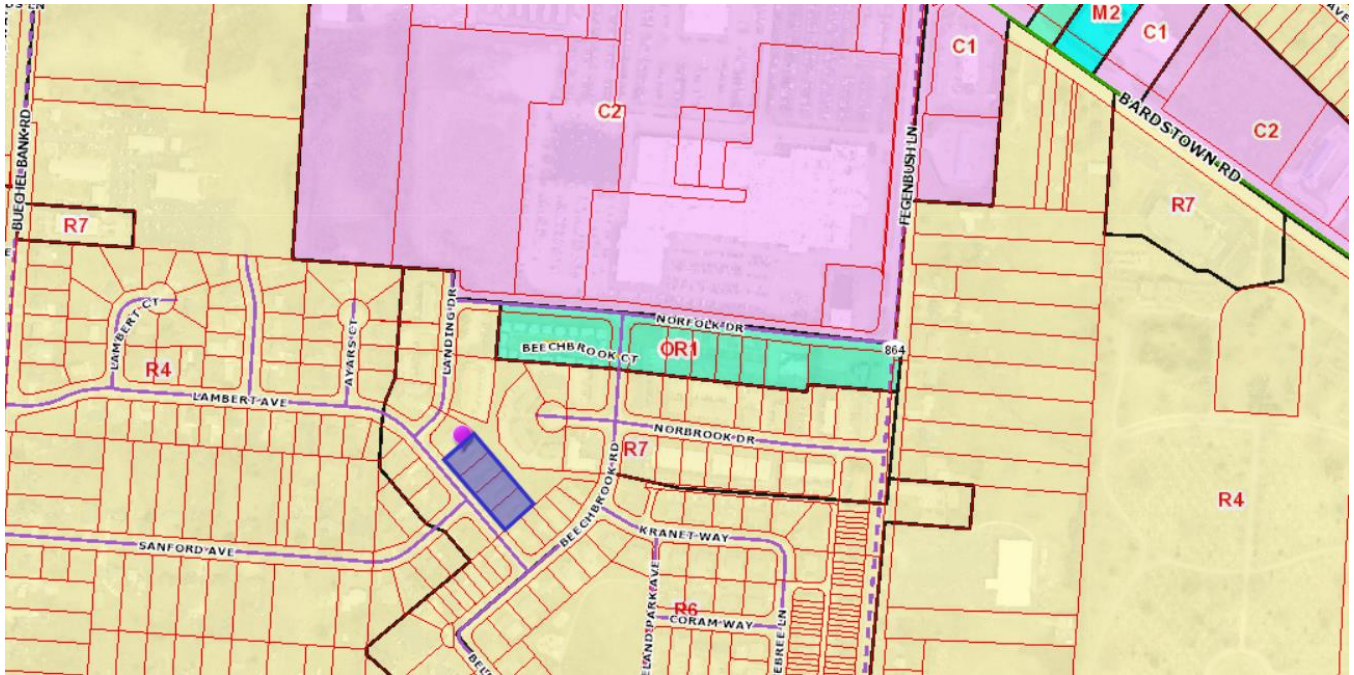
NOTIFICATION

Date	Purpose of Notice	Recipients
10/29/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 2
11/18/20	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 2
11/17/20	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district allows for a variety of housing styles and lotting patterns that support alternate forms and styles of housing in an area that supports a higher density of development and maintains a variety of residential options. It is located within proximity to major transportation and employment facilities, as well as services and amenities
2	Land Use & Development Goal 1: Community Form	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	Appropriate transition between uses that are substantially different in scale and intensity or density of development will be provided. Adjacent uses are similar in density and scale and do not require transition.
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	Additional residential options are being provided in an area containing a wide variety of options.
4	Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not appear to contain any environmental constraints such as wet or highly permeable soils, severe, steep or unstable slopes/soils.
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The site does not appear to contain distinctive cultural or natural features.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Land Use & Development Goal 4: Community Form	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	The site does not contain distinctive historic resources.
7	Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed district allows for a variety of housing styles and lotting patterns that support alternate forms and styles of housing in an area that supports a higher density of development and maintains a variety of residential options. It is located within proximity to major transportation and employment facilities, as well as services and amenities
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access is available through areas of similar intensity to the subject site.
9	Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	Pedestrian facilities are encouraged, including sidewalks, to improve mobility and access for pedestrians within the community. However, the requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The requested change in zoning does not create new impact on the transportation network.

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11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	The requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.
12	Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	The requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.
13	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	No long-range plans for improvement to this network has been identified. The area is sporadically developed with sidewalks.
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No access to high speed roadways is proposed or provided. No change to existing access will be provided.
15	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Subject properties are served by existing utilities.
16	Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	Subject properties are served by existing utilities, including water and sewage disposal.
17	Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	Subject properties provide an adequate means of sewage treatment and disposal to protect public health

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18	Land Use & Development Goal 1: Livability	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	The site does not contain any unique characteristics of landscaping or trees.
19	Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	No construction is proposed which impacts the sub-surface.
20	Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	No negative impacts to the floodplain are expected due to existing conditions.
21	Land Use & Development Goal 1: Housing	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed district allows for a variety of housing styles that support alternate forms and styles of housing and lotting patterns in an area that supports a higher density of development and maintains a variety of residential options. The associated development to subdivide the land allows for consistent development patterns with the area.
22	Land Use & Development Goal 1: Housing	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposed district supports and promotes housing options and environments that support aging in place as the proposal provides another option to provision senior, affordable, or intergenerational housing. The change in zoning does not negatively impact the current use of the land.
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed district supports and promotes housing options and environments that support aging in place as the proposal provides another option to provision senior, affordable, or intergenerational housing. The change in zoning does not negatively impact the current use of the land.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
24	Land Use & Development Goal 2: Housing	<p>2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.</p>	✓	<p>The proposed district is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings.</p>
25	Land Use & Development Goal 3: Housing	<p>1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p>	✓	<p>The proposed district allows for the incorporation of housing options in an area that supports a variety of residential options. It encourages the provision of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro. The proposal specifically allows for the creation of smaller lots which expands access to home ownership.</p>
26	Land Use & Development Goal 3: Housing	<p>2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p>	✓	<p>The proposed zoning district does not result in the displacement of residents.</p>
27	Land Use & Development Goal 3: Housing	<p>3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p>	✓	<p>The incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p>

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. Within 90 days of final approval of the change in zoning by the Louisville Metro Council, a minor subdivision plat must be approved by Planning and Design Services staff and recorded creating the lot lines as shown on the approved development plan.
3. 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.