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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Elite Built Homes, Inc.
Owner: Lillie M. Lillard
Location: 1207 Moser Road
Proposed Use: Single-Family Residential
Engineers, Land Planners and Landscape Architects: Sabak, Wilson & Lingo
Request: Zone Change from R-4 to R-5

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on April 20, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the subject property is located in the Neighborhood Form District, which is characterized by predominately residential uses from low to high density; this proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4, meaning an ever-so-slightly higher gross density (3.2 du/a) than perhaps otherwise achievable under the R-4 zoning district classification; the applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning, but those regulations either require affordable components not appropriate for this location or were not available for us when planning on this site began; and furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5A; and

GUIDELINE 3 – COMPATIBILITY

WHEREAS, the proposed rezoning and DDDP complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 21, 22 and 23 of Guideline 3 because this low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area; setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply; the detailed

district development/preliminary subdivision plan (DDDP), Planning Commission Public Hearing exhibit book and PowerPoint demonstrate all that; and

GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

WHEREAS, the proposed rezoning and DDDP comply with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 because, unlike most standard single-family subdivisions, this one includes some meaningful interior and perimeter open space, conserving some natural resources and features, assuring good transitions to neighboring properties and providing for passive outdoor activities off residents' individual home lots; that assures for better buffers and a far superior neighborhood look and feel; and the homeowners association will maintain these open areas; and

GUIDELINE 6 – MARKETPLACE

WHEREAS, the proposed rezoning and DDDP complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 because this proposed subdivision helps to ensure the availability of residential building lots where lots are in high demand, meaning near the many businesses and large industrial parks of Bluegrass, Commonwealth, Blankenbaker Crossings and Blankenbaker Station and close to shopping in Douglass Hills itself at Blankenbaker Parkway and Shelbyville Road but also elsewhere nearby in Jeffersontown and Middletown; this land is surrounded by like-kind subdivisions; and that makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family housing is in greatest demand; and

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

The proposed rezoning and DDDP complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 because this subdivision is situated on a major collector street (Moser Road) where sidewalks will be constructed, near public transit at Linn Station Road and at Blankenbaker Parkway, where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions, especially as noted hereinabove; further, this DDDP has been reviewed by Metro Transportation Planning, which gave its preliminary plan approval prior to its docketing for Planning Commission review; and that assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC); and

WHEREAS, the proposed rezoning and DDDP will assure that both existing Moser Road access and new subdivision streets and stub connections are constructed to operate safely and to function at relatively low volumes, as neighborhood serving streets are expected to function; thus, all negative traffic impacts are avoided with this development; and, as noted, design of the

site, as shown on the DDDP assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the proposed rezoning and DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD requires that post-development peak rates of stormwater runoff do not exceed pre-development peak flows which is accomplished through on-site detention; thus, new impervious areas will not have a negative impact on existing stormwater systems; also, MSD has given its stamp of preliminary approval on the DDDP before it was set for Planning Commission review; and at time of construction, the proposed residential subdivision will include water quality measures to address the new MSD water quality standards; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed rezoning and DDDP complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of interior and perimeter landscaping; and accordingly, the LDC will be fully complied with; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-5 and approves the Detailed District Development Plan and preliminary subdivision plan.