

# Land Development and Transportation Committee Staff Report February 13, 2025



<b>Case No:</b>	24-ZONE-0139
<b>Project Name:</b>	Lower Hunters Trace Subdivision
<b>Location:</b>	1918, 1922 & 1926 Lower Hunters Trace
<b>Applicant:</b>	Habitat for Humanity
<b>Representative:</b>	Sabak, Wilson, & Lingo
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Jonathan Joseph
<b>Case Manager:</b>	Molly Clark, Planner II

## **REQUEST(S)**

- **Change in zoning** from R-4 single family residential to R-5 single family residential
- **Detailed District Development Plan/Major Preliminary Subdivision** plan with conditions of approval

## **CASE SUMMARY**

Subject site consists of 3 lots zoned R-4 single family residential within the Neighborhood form district totaling 3.66 acres. The applicant is proposing to rezone to R-5 single family zoning district to allow for a Major Preliminary Subdivision Plan with smaller lot sizes of 6,000 square feet. This will allow the applicant to create 16 buildable lots and 1 open space lot. Access is being provided via a new public street intersecting with Lower Hunters Trace and Distler Lane.

## **STAFF FINDING**

The zoning change is compliant with the Comprehensive Plan and the Detailed District Development Plan is compliant with the Land Development Code. There are no variances or waivers being requested.

## **TECHNICAL REVIEW**

MSD and Transportation Planning have provided preliminary approval of the proposal.

## **INTERESTED PARTY COMMENTS**

All comments received have been placed in the record and made available to the Committee in advance of the public hearing.

## **STANDARD OF REVIEW FOR REZONING AND FORM 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 / FORM DISTRICT**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Neighborhood Form District

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 rezoning from R-4 to R-5 will allow for higher density by allowing the applicant to build more single family residential lots. The subject site is located on Lower Hunters Trace which is a primary collector level roadway and 1,500 feet from Dixie Highway which is a major arterial level roadway and has several TARC stops and commercial uses. The subject site is also located 750 feet away from the C-2 commercial zoning and Suburban Marketplace Corridor form district that runs along Dixie Highway. The proposed rezoning will allow for a single family major preliminary subdivision in an

area with a variety of densities and lot sizes. The rezoning will also allow for more housing to be built as it would increase density by allowing a reduced lot size of 6,000 square feet.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP with BINDING ELEMENTS**

- (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 site does not have any environmentally sensitive areas. There is one existing structure to remain.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal. The proposed development shows one open space lot with a detention basin to serve the proposed buildable lots.

- (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 overall design of the project is consistent with existing and future development in the area.

- (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 plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested.

### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Change in zoning** from R-4 single family residential to R-5 single family residential
- **APPROVE** or **DENY** the **Detailed District Development Plan/Major Preliminary Subdivision** plan with conditions of approval

Based upon the information in the staff report, 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 Plan 2040 which have substantially altered the basic character of the area.

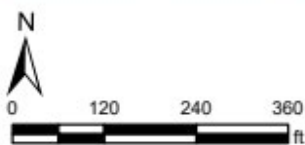
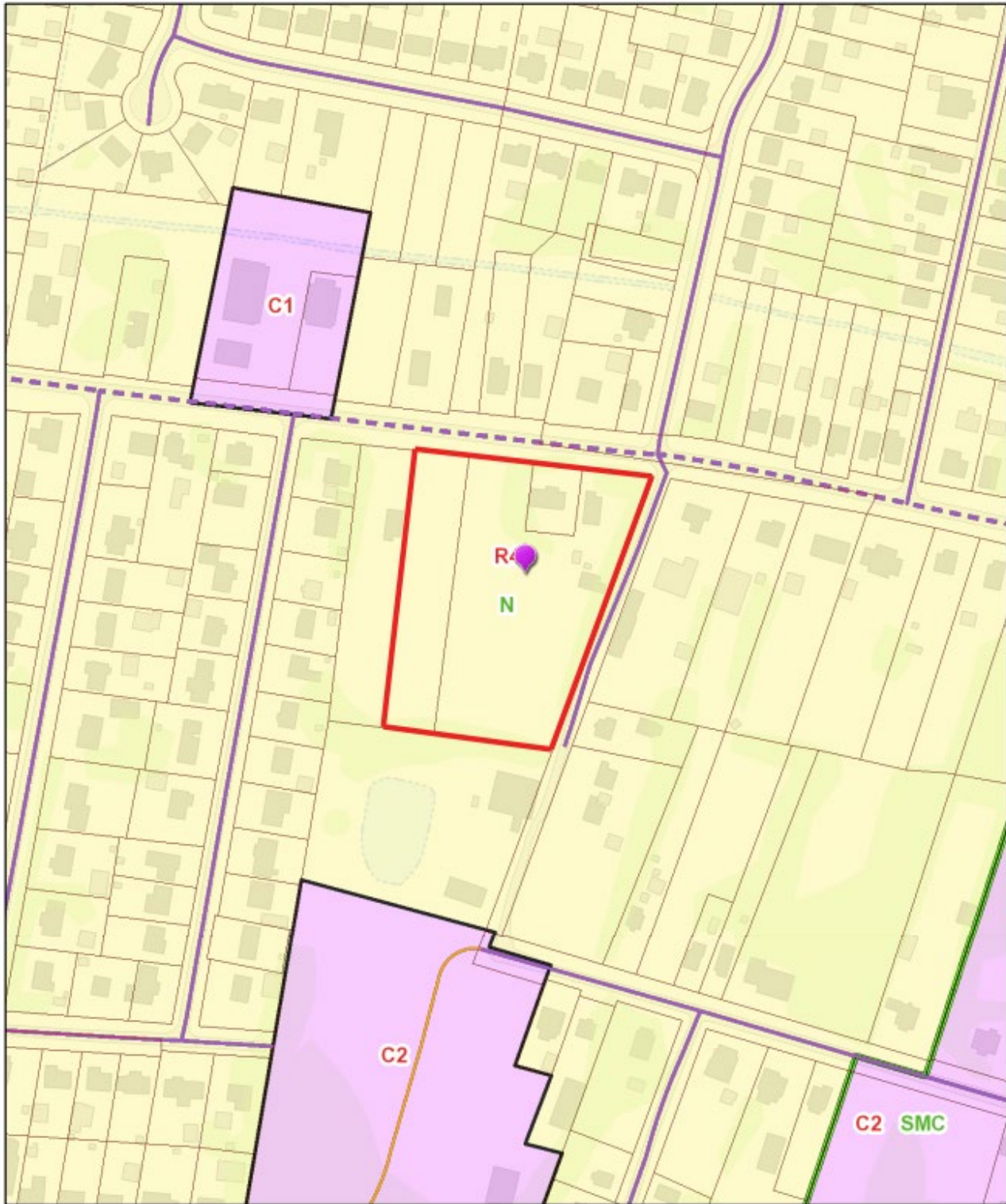
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>1-28-25</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12
<b>2-20-25</b>	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12
<b>2-14-25</b>	Hearing before PC	Sign Posting on property
<b>2-20-25</b>	Hearing before PC	Legal Advertisement in the Courier-Journal

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Comp Plan 2040 Checklist
4. Conditions of Approval

1. Zoning Map



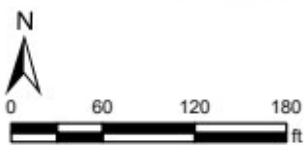
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This map is not a legal document and should only be used for general reference and identification



## 2. Aerial Photograph



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### 3 Comp Plan 2040 Checklist

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

#### Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><b><u>Community Form: Goal 1, Policy 7.</u></b> 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.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed rezoning from R-4 to R-5 will allow for higher density by allowing the applicant to build more single family residential lots. The subject site is located on Lower Hunters Trace which is a primary collector level roadway and 1,500 feet from Dixie Highway which is a major arterial level roadway and has several TARC stops and commercial uses. The subject site is also located 750 feet away from the C-2 commercial zoning and Suburban Marketplace Corridor form district that runs along Dixie Highway.</p>
2	<p><b><u>Community Form: Goal 1, Policy 9.</u></b> 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.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed rezoning will allow for a single family major preliminary subdivision in an area with a variety of densities and lot sizes. The rezoning will also allow for more housing to be built as it would increase density by allowing a reduced lot size of 6,000 square feet. The proposed development will be located adjacent to other single family subdivisions and a large multi-family development along Kerrick Lane and Distler Lane.</p>
3	<p><b><u>Community Form: Goal 2, Policy 9.</u></b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed development does involve demolishing an existing single family home but will allow for the creation of 16 new single family homes without the displacement of residents. The proposed rezoning would allow for more single family homes to be constructed in the area.</p>
4	<p><b><u>Community Form: Goal 3, Policy 10.</u></b> 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.</p> <p>✓ <b><u>Staff Analysis:</u></b> A wetlands determination was submitted and there are no wetlands on the subject site.</p>
5	<p><b><u>Community Form: Goal 4, Policy 2.</u></b> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>NA <b><u>Staff Analysis:</u></b> The subject site does not appear to have any distinctive cultural features.</p>
6	<p><b><u>Community Form: Goal 4, Policy 3.</u></b> 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.</p>

**Plan 2040 Plan Elements/Staff Analysis**

**NA**

**Staff Analysis:** The subject site is not a historic site.

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**Mobility: Goal 1, Policy 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.



**Staff Analysis:** The proposed rezoning allows for a higher number of single family residential lots to be created with access to Lower Hunters Trace which is a primary collector level road that leads to Dixie Highway which has several TARC stops and commercial uses.

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**Mobility: Goal 2, Policy 4.** Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.



**Staff Analysis:** The proposed rezoning and major preliminary subdivision plan will not create access through areas of significantly lower intensity or density. .

9

**Mobility: Goal 3, Policy 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.



**Staff Analysis:** The proposed rezoning would allow a higher number of buildable single family residential lots approximately 750 feet away from the Suburban Marketplace Corridor form district with several commercial uses.

10

**Mobility: Goal 3, Policy 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.



**Staff Analysis:** The proposed rezoning to R-5 single family residential will allow for a higher number of residential lots with access to Lower Hunters Trace, a primary collector level road. The subject site is also located approximately 750 feet away from the Suburban Marketplace Corridor that consist of a variety of commercial uses.

11

**Mobility: Goal 3, Policy 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.



**Staff Analysis:** The proposed development will share in rough proportionality the cost of transportation facilities such as sidewalks and proposed roadways that will create more connectivity in the neighborhood.

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**Mobility: Goal 3, Policy 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.



**Staff Analysis:** The proposed major preliminary subdivision will be providing sidewalks along Lower Hunters Trace and Distler Lane.

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**Mobility: Goal 3, Policy 10.** Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.



**Staff Analysis:** The proposed major preliminary subdivision will be providing sidewalks along Lower Hunters Trace and Distler Lane.

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**Mobility: Goal 3, Policy 21.** Prevent safety hazards caused by direct residential access to high speed roadways.



**Staff Analysis:** Proposed residential development will not create direct residential access to high speed roadways.

15

**Community Facilities: Goal 2, Policy 1.** Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.



**Staff Analysis:** Subject site is located in an area with adequate connections to existing utilities.

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**Community Facilities: Goal 2, Policy 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.



**Staff Analysis:** Subject site is located near adequate water supply with existing easements.

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**Community Facilities: Goal 2, Policy 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).



Plan 2040 Plan Elements/Staff Analysis	
✓	<b>Staff Analysis:</b> The proposed plan has received preliminary approval from MSD.
18	<b>Livability: Goal 1, Policy 5.</b> 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.
✓	<b>Staff Analysis:</b> There does not appear to be any unique characteristics identified general landscape types and native plant communities on the site.
19	<b>Livability: Goal 1, Policy 17.</b> 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.
✓	<b>Staff Analysis:</b> The site is previously developed and does not have potential hydric soils or erosion concerns
20	<b>Livability: Goal 1, Policy 21.</b> 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.
✓	<b>Staff Analysis:</b> The subject site is not located within the regulatory floodplain.
21	<b>Housing: Goal 1, Policy 1.</b> 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.
✓	<b>Staff Analysis:</b> The proposed rezoning will allow for a higher number of single family lots within 3.66 acres with smaller lot sizes with the minimum lot size being 6,000 square feet.
22	<b>Housing: Goal 1, Policy 2.</b> 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.
✓	<b>Staff Analysis:</b> The proposed major preliminary subdivision will create 16 more single family residential lots approximately 750 feet away from the Suburban Market Place Corridor along Dixie Highway with a variety commercial uses and several TARC stops.
23	<b>Housing: Goal 2, Policy 1.</b> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
✓	<b>Staff Analysis:</b> The proposed major preliminary subdivision will create 16 more single family residential lots approximately 750 feet away from the Suburban Market Place Corridor along Dixie Highway with a variety commercial uses and several TARC stops.
24	<b>Housing: Goal 2, Policy 2.</b> 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.
✓	<b>Staff Analysis:</b> The proposed rezoning will allow smaller lot sizes of 6,000 SF and will allow a higher number of single family residential lots within 750 feet away from a commercial corridor along Dixie Highway.
25	<b>Housing: Goal 3, Policy 1.</b> 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.
✓	<b>Staff Analysis:</b> The proposed rezoning will be constructed by Habitat for Humanity which is an organization that encourages affordable housing. The proposed rezoning will also allow a higher number of single family residential lots within 3.66 acres.
26	<b>Housing: Goal 3, Policy 2.</b> As neighborhoods evolve, discourage displacement of existing residents from their community.
✓	<b>Staff Analysis:</b> The proposed rezoning and major preliminary subdivision plan will not cause any displacement.
27	<b>Housing: Goal 3, Policy 3.</b> 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.

## Plan 2040 Plan Elements/Staff Analysis



**Staff Analysis:** The proposed rezoning will allow for more single family lots by allowing smaller lot sizes in R-5 with a minimum of 6,000 SF lots. This will give more housing supply in the immediate area that has a variety of densities.

### 4. Conditions of Approval

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). 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.
3. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing 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. 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.
6. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
7. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed 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. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
9. After 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 are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in

accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
11. A deed of consolidation creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
12. At the time the developer turns control of the homeowners association 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. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
13. A variable sidewalk easement shall be recorded for public use along Distler Lane. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.