

ZONING ORDINANCE NO. 52, SERIES 2002

DOCKET NO. 9-75-98

An Ordinance amending Zoning Ordinance No. 4, Series 1999, changing the zoning from R-4 Residential Single Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 29.79 acres and being in unincorporated Jefferson County.

WHEREAS, at its meeting of January 26, 1999, Fiscal Court adopted Zoning Ordinance No. 4, Series 1999, related to Docket No. 9-75-98 changing the zoning from R-4 Residential Single Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 323.13 acres and being in unincorporated Jefferson County;

WHEREAS, the minutes of the Louisville and Jefferson County Planning Commission indicate that, while the entire development under Docket No. 9-75-98 contained 323.13 acres, the property to be rezoned to R-6 Multi-Family Residential actually contained 29.79 acres, and the Planning Commission's recommendation to Fiscal Court in Docket No. 9-75-98 pertained only to said 29.79 acres ; and

WHEREAS, it is necessary to amend the title of Ordinance No. 4, Series 1999, to correctly reflect that the acreage of the property rezoned to R-6 Multi-Family Residential was 29.79 acres;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY:

Section 1. The Title of Zoning Ordinance No. 4, Series 1999, is hereby amended to read as follows:

DOCKET NO. 9-75-98

An Ordinance changing the zoning from R-4 Residential Single Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 29.79 acres and being in unincorporated Jefferson County.

Section 2. This Ordinance shall take effect upon passage.

Adopted this 12th day of November, 2002.

for Lorie Beavin
Deputy Co. Judge
REBECCA JACKSON
COUNTY JUDGE/EXECUTIVE

ATTEST:

Sandra A. Moore
SANDRA A. MOORE
FISCAL COURT CLERK

APPROVED AS TO FORM AND LEGALITY:

IRV MAZE
JEFFERSON COUNTY ATTORNEY

Deborah A. Bilitski
BY: DEBORAH A. BILITSKI
ASSISTANT COUNTY ATTORNEY

ZONING ORDINANCE NO. 4, SERIES 1999

RECEIVED
JAN 28 1999
LOUISVILLE AND JEFFERSON COUNTY
PLANNING COMMISSION

DOCKET NO. 9-75-98

An Ordinance changing the zoning from R-4 Residential Single Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 323.13 acres, being in unincorporated Jefferson County.


WHEREAS, the Fiscal Court of Jefferson County has considered the evidence presented at the public hearing held by the Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Louisville and Jefferson County Planning Commission; and

WHEREAS, the Fiscal Court concurs in and adopts the findings of the Planning Commission for said zoning change and approves and accepts the recommendations of the Planning Commission in this matter as set out in said minutes;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY:

Section 1. That the above property located in the unincorporated area of Jefferson County and more particularly described in the minutes and records of the Planning Commission in Docket No. 9-75-98 is hereby changed from R-4 Residential Single Family to R-6 Residential Multi-Family, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Docket No. 9-75-98.

Section 2. This Ordinance shall take effect upon passage.


REBECCA JACKSON
COUNTY JUDGE/EXECUTIVE

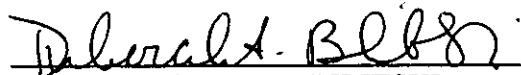
ATTEST:

DATE OF ADOPTION January 26, 1999


FISCAL COURT CLERK

APPROVED AS TO FORM AND LEGALITY:

IRV MAZE
JEFFERSON COUNTY ATTORNEY


BY: DEBORAH A. BILITSKI
ASSISTANT COUNTY ATTORNEY

000113



RECEIVED

DEC 18 1998

**JEFFERSON COUNTY, KENTUCKY
DEPARTMENT OF PLANNING AND ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT SERVICES**

**FISCAL COURT CLERKS
OFFICE**

DAVID L. ARMSTRONG
County Judge/Executive

R. WAYNE BENNETT, AICP
Division Director

ADRIAN P. FREUND, AICP
Department Director

Received transmittal for Dec. 3, 1998 public hearing, Docket
Number(s) 9-54-98 + 9-63-98 + 9-75-98 + 10-35-98
10-28-98, 10-34-98, 9-73-98 + for/to
Fiscal Court from the Louisville and
Jefferson County Planning Commission on this 18th day of
Dec, 1998.

Kay P. Bennett
Signature

LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

531 COURT PLACE • SUITE 900
LOUISVILLE, KENTUCKY 40202-3396
Phone 502-574-6230
FAX 502-574-8129

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JEFFERSON COUNTY, KENTUCKY
DEPARTMENT OF PLANNING AND ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT SERVICES

DAVID L. ARMSTRONG
County Judge/Executive

R. WAYNE BENNETT, AICP
Division Director

ADRIAN P. FREUND, AICP
Department Director

December 18, 1998

Mary Bolton
Room 106 Court House
Louisville, KY 40202

Dear Ms. Bolton,

On December 3, 1998, the Planning Commission made recommendation to Fiscal Court on a change in zoning request filed under Docket Number(s) 9-54-98 & 10-28-98, 9-63-98 & 10-34-98, 9-73-98, and 9-75-98 & 10-35-98.

The minutes of this meeting were approved by the Planning Commission on December 17, 1998; however, in order to expedite your consideration of the request(s), I am forwarding to you, if applicable, an application, development plan(s), staff report(s), map(s), official copies of the minutes, copies of the transcript(s) and other correspondence relating to these case(s).

If we can be of further service to you please let us know.

Sincerely,

Beth Martinez
Secretary

Enclosures

LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

531 COURT PLACE • SUITE 900
LOUISVILLE, KENTUCKY 40202-3396

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FAX 502-574-8129

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PRINT ON RECYCLED PAPER

DOCKET NO. 9-75-98 - Change in zoning from R-4 Residential Single-Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 29.788 acres, being in unincorporated Jefferson County.

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Fiscal Court of Jefferson County that the change in zoning **from R-4 Residential Single-Family to R-6 Multi-Family** on property described in the attached legal description be **APPROVED**.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The density of the development shall not exceed 11.9 dwelling units per acre (312 units on 29.788 acres).
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed six square feet in area per side and six feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site.
6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
7. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan

requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. If a building permit is not issued within three year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office 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.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

- 12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

The above binding elements of the district development plan are agreed to by the property owner this 18th day of December, 1998.

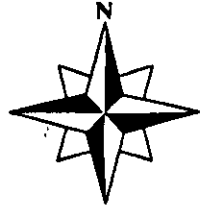
Robert J. ... for Club Partners, LLC
 OWNER OR OWNERS' AUTHORIZED REPRESENTATIVE

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

PUBLIC HEARING SUBDIVISION

PLANNING COMMISSION DATE: December 3, 1998

PRELIMINARY STAFF REPORT



SUBDIVISION TYPE: STANDARD & INNOVATIVE
REZONING REQUEST: MULTI-FAMILY APARTMENTS
1st LD&T DATE: October 22, 1998

****** SECTION I ******

Location: North side of Shelbyville Road 1100 feet more or less east of Long Run Road, containing 323.13 acres and being located in unincorporated Jefferson County, Kentucky.

Developer: Creek Partners, LLC.
Engineer: Sabak, Wilson & Lingo, Inc.
Gross Acreage: 323.13 acres
Net Acreage: 254.11 acres
Number of lots: 577 buildable / 2 non-buildable
Subdivision / Zoning Requests: See breakdown below

STANDARD R-4 SUBDIVISION

Request: PRELIMINARY SUBDIVISION PLAN
Existing Use: Undeveloped land
Proposed Use: Single Family Residential
Current Zoning District: R-4
Number of Lots: 470 Buildable
Gross Acres: 264.549 acres
Gross Density: 1.78 du/ac
Net Density: 2.17 du/ac
Maximum Density Allowed: 4.84 du/ac

INNOVATIVE SUBDIVISION

Request: PRELIMINARY INNOVATIVE SUBDIVISION PLAN
Existing Use: Undeveloped land
Proposed Use: Single Family Residential
Current Zoning District: R-4
Number of Lots: 107 Buildable (67 "Villas"; 40 "Patio Homes")
Gross Acres: 28.794 acres (18.743 "Villas"; 10.051 "Patio Homes")
Gross Density: 3.57 du/ac "Villas" 3.98 du/ac "Patio Homes"
Net Density: XXX du/ac "Villas" 4.26 du/ac "Patio Homes"
Maximum Density Allowed: 4.84 du/ac
Open Space Provided: 18.95 acres

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

MULTI-FAMILY REZONING

Change in zoning from R-4 Residential Single-Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 29.788 acres, being in unincorporated Jefferson County.

Requested Use:	MULTI-FAMILY APARTMENTS
Existing Use:	Undeveloped land
Proposed Use:	Apartments
Current Zoning District:	R-4
Requested Zoning:	R-6
Number of Units:	312
Gross Acres:	29.788
Net Density:	11.09 du/acre
Maximum Density Allowed:	17.42 du/ac
Parking Required:	468 spaces
Parking Provided:	624 spaces

Surrounding Land Use and Zoning:

Location	Land Use	Zoning
North	Single Family Residential	R-4
South	Single Family Residential	R-4
East	Single Family Residential	R-4
West	Single Family Residential	R-4

(See attached land use map for specific locations and uses.)

The site is surrounded by R-4 zoning on all sides. There is a small parcel on the south side of Shelbyville Road at Clark Station Road which contains C-1 zoning and another small piece of land further south on Clark Station Road which contains M-2 zoning. The immediate surrounding land uses and the general pattern in the area can be characterized by single-family detached homes on large lots. Immediately to the northeast is the **Bridgemore Estates Subdivision (10-39-93)** which was approved in 1993 for 45 buildable lots on 226 gross acres. The net density of Bridgemore Estates is 0.21 dwelling units per acre. This proposal would abut lots in the Bridgemore Estates subdivision which have a minimum of 4.5 acres each. Immediately northwest and across Long Run Road from the site are two large lot subdivisions developed in 1977. **Ash Subdivision** and **Long Run Estates** both contain multi-acre lots within the R-4 zoning district. There is a large acre, undeveloped tract immediately east of the site which borders the Shelby County line. Most of the development along the south side of Shelbyville Road is R-4 residential on large lots. The intersection of Clark Station Road and Shelbyville Road contains a church and a small piece of C-1 zoning.

Other developments in close proximity include **Gardiner Park (10-41-97)**, **Ashmoor Woods**, and **Chestnut Glen**. An overview of each is given below.

Gardiner Park Innovative Subdivision is located west of the site on Shelbyville Road and Flat Rock Road. It was approved in 1997-98 as an R-4 Innovative Subdivision for 150 buildable lots and 19 open space lots on 37.95 acres for an actual net density of 4.04 dwelling units per acre. Gardiner Park will contain 11.32 acres of open space. It is currently in the record plat stage.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

Ashmoor Woods Subdivision is located on the south side of Shelbyville Road immediately west of Long Run Road. It was approved in 1989 for 61 buildable lots on 89.115 gross acres. It has a gross density of 0.69 dwelling units per acre.

Chestnut Glen Subdivision is located on the south side of Shelbyville Road immediately west of Ashmoor Woods Subdivision and opposite of the Flat Rock Road intersection. It was approved in 1994 for 30 buildable lots on 21.5 gross acres for a gross density of 1.40 dwelling units per acre.

*** SECTION II ***

PRELIMINARY STAFF ANALYSIS

The site is better known as the "Happy Hour Farm" which is one of the few large family farms left in Jefferson County. The site currently contains one main residential structure (a farmhouse circa 1910) and ancillary barns and sheds. The applicant proposes to develop 577 total buildable lots within the both the R-4 and R-6 Residential Districts and two (2) open space lots on a total of 323.132 gross acres. The request is for an innovative subdivision on 2 parcels totaling 28.794 acres for 107 lots; a zoning change to R6 on 29.788 acres for 312 multi-family apartments; and the remaining 264.549 acres to be developed as a Standard R-4 subdivision with 470 homes. The larger single-family residential lots are proposed at the northern edge of the site where it will abut the large lot Bridgemore Estates Subdivision. The two innovative developments (Villas and Patio Homes) are located on Shelbyville Road as is the requested multi-family apartments.

The topography of the site consists of a mixture of rolling hills and uplands with associated drainage swales. The tract is currently used as an agricultural enterprise with ground covers of mostly hay and pasture. The site does contain many areas near the creek with slopes exceeding 12 percent and reaching 20 percent. The site plan labels those lots which contain 20% slopes. The plan has been designed so these slopes will be at the rear of the lots. Individual lot approval by MSD will be necessary at the time of construction. The site also currently contains two areas of depressions where water ponds. A geotechnical report will be required before these areas can be drained and/or filled.

The proposal contains roughly 65 acres of open space along Long Run Creek and contains amenities such as a clubhouse, swimming pool, tennis courts, hiking trails, a playground, athletic fields, and a picnic area. No Conditional Use Permit will be required as long as the membership is restricted to the subdivision. Open space is also incorporated into the multi-family portion of the site which will contain its own clubhouse and pool.

*** SECTION III ***

INNOVATIVE RESIDENTIAL REGULATIONS

28.794 acres of the proposed subdivision has been filed under Section 9.5, Innovative Residential Developments, for single family development. These regulations encourage flexibility of design by allowing zero lot line, row houses, cluster housing and other innovative designs where the development:

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

- 1) provides open space,
- 2) respects site limitations including environmental constraints, if any,
- 3) provides amenities, which may include one or more of the following:
 - a) features that promote alternative transportation
 - b) extraordinary roadway facilities requested by the Director of Works
 - c) provisions for additional parking areas,
 - d) underground utilities,
 - e) recreation facilities,

The two sections of the plan which propose to utilize the innovative regulations provide a total of 19 acres of open space. This open space is in addition to the large open space tract (lot 473) adjacent to Long Run Creek which will serve the entire development and provide many amenities. The proposal justifies that roughly 16 acres of the proposed open space is useable. It appears that much of the open space within the innovative developments will contain steep slopes or detention areas. The applicant should discuss the usability of the open space within the innovative subdivision proposals. Staff feels that the usability criteria may be justified considering the amount of off-site open space provided within the subdivision as a whole.

The proposal justifies environmental constraints for the innovative regulations due to steep slopes. The steep slopes are primarily contained on the innovative tract labeled as lot 474.

The applicant is required to provide a total of 35 common parking spaces (one per three units) for both the developments. The Patio Homes development would require 13 spaces while the Villas development would require 22. Between the two, 38 spaces are provided; 14 and 24 respectively.

In addition, the innovative subdivision plan must meet one of the following conditions:

- 1) the site has certain topographic and landform limitations or environmental constraints and the development respects these limitations and constraints; or
- 2) the site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan; or
- 3) the proposal is a planned residential development that accommodates alternative housing styles, and/or living environments.

The innovative subdivision proposals appear to satisfy number 1 and 3 above. The Villas contain slopes up to 20 percent. The two styles of housing being proposed as Patio Homes and Villas offer a variety of housing styles in addition to those proposed in the overall development which contain conventional single-family homes as well as apartments.

The Planning Commission may waive specific dimensional requirements applicable within the existing zoning district while maintaining the density requirements. The applicant is requesting waivers to reduce the following as allowed under the innovative development regulations:

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

1. Front yard setback: from 30 to 5 feet
2. Street yard setback: from 30 to 5 feet
3. Side yard setback (ft.): 6 (total 18) to 0
4. Rear Yard Setback (ft): from 25 to 10 for Villas
from 25 to 0 for Patio Homes
4. Minimum lot size (s.f.): from 9000 to 2,900 for Patio Homes
from 9000 to 3,833 for Villas
5. Minimum lot width (ft.): from 60 to 40 for Villas
from 60 to 35.5 for Patio Homes

The following waivers are also requested from Section 1.90 of the Subdivision Regulations.

- A. Private Roadways
 1. Streets - 30' access easements from 50'
 2. Courts - 30' access easements from 50'
- B. Roadway Pavement Widths
 1. Streets - 20' wide pavement from 24'
 2. Courts - 18' wide pavement from 20'
- C. Sidewalks on one side of streets.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

*** SECTION IV ***

COMPREHENSIVE PLAN (See relevant KRS Statute at end of **STAFF ANALYSIS**.)

The following guidelines of the Comprehensive Plan appear to be applicable to this request (See **Staff Report Appendix** for full text).

E-1	environmental limitations	More Information Needed
E-6	drainage control	More Information Needed
E-7	grading	More Information Needed
E-8	erosion and sedimentation	More Information Needed
E-10	12% or greater slopes	More Information Needed
E-12	unstable or wet soils	More Information Needed
E-15	dust control	Construction Detail
E-28	open space plan	More Information Needed
U-6	locate utility easement	More Information Needed
T-1	adequate streets	More Information Needed
T-2	adequate pedestrian movement	More Information Needed
T-3	adequate bicycle movement	More Information Needed
T-5	adequate right-of-way	More Information Needed
T-7	adequate access	More Information Needed
T-8	internal circulation	More Information Needed
T-11	off-street parking/loading	More Information Needed
R-1	protect neighborhoods	More Information Needed
R-4	size, scale	More Information Needed
R-5	compatible densities	More Information Needed
R-6	density categories	MEDIUM
R-14	design	More Information Needed
R-15	mixture of housing types	More Information Needed
F-8	adequate fire protection	More Information Needed

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

MAJOR ISSUES

ISSUE 1: Density and compatibility with adjacent residential development.
(Referenced Guidelines R-1, R-4, R-5, R-6, and R-14)

The Comprehensive Plan recommends creation of new residential development that is compatible with existing residential areas. Protection of existing residential neighborhoods must be a key element of the plan. Guideline R-1 calls for the protection of residential neighborhoods from adverse impacts of proposed development and land use changes.

The proposed development is located in an area characterized as predominately single-family residential development on large lots. The entire site is surrounded by R-4 zoning and single-family residential uses. New developments in close proximity have recently been approved in the area for residential uses. Section I offers an overview of other developments in close proximity to the site.

Guidelines R-4 and R-5 recommend avoiding residential development that has a significantly different size, height, mass or scale from adjacent development and encourage densities that are compatible with adjacent residential areas. The proposed 312 apartment building complex represents a change from the residential pattern of development in the area. The apartments are proposed at a net density of 11.09 dwelling units per acre. The applicant is requesting a zoning change from R-4 to R-6. The R-6 District allows a density up to 17.42 dwelling units per acre. The R-5A District allows a density up to 12.01 dwelling units per acre. Staff recommends a zoning change to R-5A instead of R-6.

The subdivision plan proposes the larger lots to be located at the north end of the site where it will be immediately adjacent to the Bridgemore Estates subdivision which contains lots up to 5 acres. This proposal is for approximately half acre lots adjacent to Bridgemore Estates. The apartment proposal is adjacent to an undeveloped tract to the east and part of the proposed subdivision to the north. The plan identifies a 40-foot buffer around the perimeter of the rezoning site but does not indicate what kind of landscaping or screening will be installed within the 40 feet. The plan does not indicate whether or not the apartment buildings will be two or three stories.

ISSUE 2: Respecting site limitations and environmental constraints
(Referenced Guidelines R-10, E-1, E-3, E-4 E-10, E-11, E-20)

Comprehensive Plan Guideline E-10 and E-11 address developing on steep slopes. The development proposal contains many areas where slopes reach 20 percent. Many of these areas with 20 percent slopes are located on the rear of single-family lots. Individual lot approval will be required by MSD for these lots. Slopes of 20 percent are also located in the Villas Innovative Subdivision where it adjoins the hiking trail and open space area for the entire development. Lots 447-450; 458-460; and 318-319 will require geotechnical study. A binding element will be added.

Guideline E-3 and E-4 address restricting development in the floodway fringe of the 100-year floodplain. The western boundary of the site is located within the 100-year floodplain but no development is proposed within the floodplain. The entire area in the floodplain is proposed for open space. Pavement and structural amenities of the open space are located outside of the floodplain as

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

well. The open space proposal is a great example of floodway protection and offers a good design on open space with plenty of amenities for the subdivision.

The plan does not clearly label those lots which are not buildable. The applicant needs to revise the plan and label these lots accordingly.

ISSUE 3: Adequate access, circulation and alternative transportation modes (Referenced Guidelines T-1, T-2 and T-3)

Guideline T-1 recommends that all development and land use changes have adequate street facilities to handle anticipated traffic. Vehicular access will be from two main points along Shelbyville Road which is a major arterial roadway and overseen by the State. An access point will also be provided for the Villas from Shelbyville Road. It will not be possible to access the remainder of the subdivision from the Villas. The applicant has indicated that they will work with the Kentucky Transportation Cabinet Department to determine what roadway improvements will be needed along Shelbyville Road. If right-of-way is required along Shelbyville Road, the parkway buffer may need to be increased so the buffer starts at the edge of the dedicated right-of-way. A note is on the plan indicating their approval is required. Turn lanes may be necessary along Shelbyville Road. Within the development, a variety of roadway widths are provided. A main drive throughout the development will contain a 100-foot right-of-way with a landscaped median. All courts and local streets within the standard subdivision section will contain 50-feet of right-of-way and will be public streets. The innovative subdivision developments will contain private access easements to be maintained by the owners of those units. The proposal requests waivers for the width of the easements and pavement widths.

Guideline T-2 addresses the adequate movement of pedestrians via walkways. Sidewalks are proposed to be provided as required by regulations within the development. The plan does indicate a waiver request for a sidewalk on both Shelbyville Road and Long Run Roads. No sidewalks currently exist on either Shelbyville or Long Run. At the request of staff at the Land Development and Transportation Meeting on October 22, 1998, additional pedestrian access easements have been provided to connect the development better with the provided open space.

The proposal will need to request waivers to omit stubbing roadways into adjacent undeveloped land. At the north end of the site, a stub could be provided to the west to connect any possible future development along Long Run Road. At the eastern boundary of the site, there is a narrow, 20-foot stretch of private roadway which connects Shelbyville Road with Bridgemore Estates to the north. This strip of land is owned by Barmore Development and runs the entire eastern boundary of the site. A binding element for Docket #10-39-93 reads as follows:

"The 20.09-foot strip of land providing access to Shelbyville Road shall be dedicated to public use at such time as any major subdivision of adjacent property on either side of said strip of land is recorded."

Once this binding element is executed, it may be appropriate for this development to tie into the road for future connection to adjacent development which may occur on the adjacent tract of land.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

Necessary roadway improvements would need to be made to the 20-foot strip. This plan should show a 15-foot right-of-way dedication along the strip of land if it will be dedicated to public use.

The proposal requests a waiver to omit a required sidewalk along Shelbyville Road. Guideline G.3 in the Alternative Transportation Modes guidelines calls for the sidewalk. Staff strongly recommends this sidewalk be installed considering the size and scale of this development. ATM Guideline G.2a will also require differentiated pathways through the parking lots of the multi-family development. Please label accordingly. Pedestrian access has been added on the plan as requested at the last LD&T meeting although an access easement is not shown between those lots where the sidewalks will run. Staff recommends extended a 15-foot strip of open space between the lots to create the walkway. This strip will become easier to maintain through the homeowners association and will eliminate confusion concerning easements and property rights.

ISSUE 4: Design (Referenced Guidelines R-3 and R-14)

Residential Guidelines R-3 and R-14 identify design criteria and landscape buffering techniques appropriate for residential development. The site is located on a designated Parkway. The plan is in compliance to Parkway requirements by providing a 75-foot building limit line and a 50-foot landscape buffer area. A binding element has been added to include the need for an approved landscape plan for the parkway buffer area. As mentioned previously, the plan for the apartments depicts a 40-foot buffer area around the perimeter of the multi-family site. No landscaping plan is indicated on the plan. The applicant should address if landscaping is to be provided.

No renderings of what the homes would look like within the development have been presented to staff or the LD&T Committee. The Commission has typically had concerns over the design of multi-family housing in such development. The applicant shall be prepared to discuss the design of the houses and apartments.

SUMMATION

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 Innovative Subdivision preliminary plan is in compliance with the Comprehensive Plan, Metropolitan Subdivision Regulations, the Development Code and conforms to all existing laws, and if the waivers as proposed are necessary and shall be granted.

CHANGE CRITERIA **KENTUCKY REVISED STATUTE 100.213**

KRS 100.213 stipulates that the legislative body must find that the map amendment is in agreement with Comprehensive Plan; or, in the absence of such finding, that one or more of the following apply:

1. that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate;
2. that there have been major changes of an economic, physical or social nature that were not anticipated by the Comprehensive Plan and which have altered the basic character of the area.

*** SECTION V ***

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

ZONING ORDINANCE

The existing R-4 Residential Single Family District allows agricultural uses, churches, schools, libraries, parks and playgrounds, and single family dwellings up to a density of 4.84 units per acre.

The proposed R-6 Residential Multi Family District is intended to provide the opportunity for land in the medium density residential land development range to be used for single family dwellings, row houses and multi-family dwellings. The district allows up to 17.42 dwelling units per acre.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

*** SECTION VI ***

SUMMARY OF AGENCY COMMENTS

Air Pollution Control District

Our assessment indicates the project will not have an adverse air quality impact on the National Ambient Air Quality Standards. Environmental Guidelines Section IV: E-14 of the Comprehensive Plan request developers to incorporate transportation alternatives to reduce automobile pollution.

Historic Preservation and Archives

Within the above docketed property exists an historic farmstead with a vernacular dwelling dating to 1910. The property is on the Kentucky register of historic sites and Historic Preservation and Archives staff requests the opportunity to conduct photo documentation of the site. Historic Preservation and Archives staff requests that the developer contact Historic Preservation and Archives 60 days before the date of demolition to ensure that the documentation has been completed.

USDA Conservation Service

...The heavy clay soils of the area are very erodible and often difficult to contain during the processes of development. An effective sediment and erosion control plan for the tract is needed which recognizes the soil limitation and addresses control based on soil particles. It is also critical to manage stormwater flows at access points where water enters the channel through intermittent drainageways. These drainageways are conduits for surface water flows and the quality of water released through these areas is determined by their individual small watersheds. A comprehensive site-based plan should be prepared then implemented to address the management of runoff from the construction site and filter sediments prior to their discharge off the property.

**Locust Creek Subdivision & Multi-Family
Docket #9-75-98 & 10-35-98**

***** SECTION VIII *****

See following pages for **BINDING ELEMENTS**. Agreement does not imply endorsement of the proposal by the Planning Commission staff nor the Planning Commission. They are, however, appropriate for consideration in the event that the zoning case and development plan are approved.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

BINDING ELEMENTS / CONDITIONS OF APPROVAL

DOCKET NO. 10-35-98 - North side of Shelbyville Road 1100 feet more or less east of Long Run Road, containing 323.13 acres and being located in unincorporated Jefferson County, Kentucky..

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.
2. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c) Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
3. 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.
4. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan showing existing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or MSD topography.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
5. 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."
6. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

**Locust Creek Subdivision & Multi-Family
Docket #9-75-98 & 10-35-98**

7. A geotechnical study shall be required for the draining and filling of any existing ponds on the site.
8. The subdivision shall contain a total of no more than 577 buildable lots (470 for the Standard R-4 Subdivision, 67 for the Innovative Subdivision on lot 474 characterized by "The Villas", and 40 for the Innovative Subdivision on lot 475 characterized by "Patio Homes").
9. The developer shall agree to add turn lanes on the north side of Shelbyville Road at the two entrances into the development as requested by the Kentucky Transportation Cabinet Department of Highways.
10. Prior to recording the record plat, a landscape plan must be submitted and approved by the Division of Planning and Development Services Landscape Architect for screening and buffering along Shelbyville Road in compliance with the parkway policy.

The above binding elements of the district development plan are agreed to by the property owner this _____ day of _____, 1998.

OWNER OR OWNERS' AUTHORIZED REPRESENTATIVE

DOCKET NO. 9-75-98 - Change in zoning from R-4 Residential Single-Family to R-6 Multi-Family on property located at 18123 Shelbyville Road containing 29.788 acres, being in unincorporated Jefferson County.

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The density of the development shall not exceed 11.9 dwelling units per acre (312 units on 29.788 acres).
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed six square feet in area per side and six feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site.

Locust Creek Subdivision & Multi-Family Docket #9-75-98 & 10-35-98

6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
7. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office 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.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding

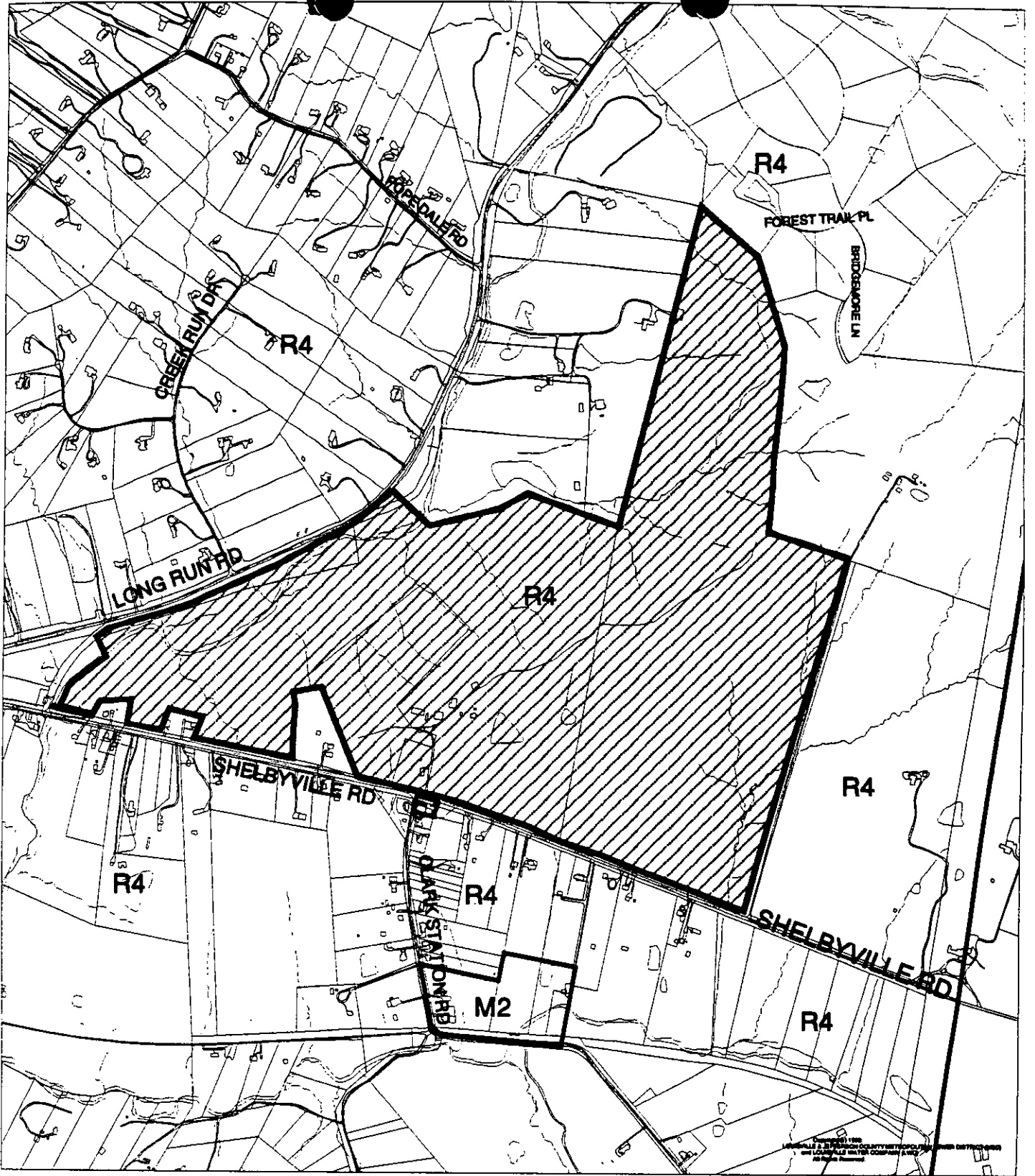
**Locust Creek Subdivision & Multi-Family
Docket #9-75-98 & 10-35-98**

elements. The property owner/developer shall ensure their compliance with the binding elements.

12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

The above binding elements of the district development plan are agreed to by the property owner
_____, 19987.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE



UNOFFICIAL AS SHOWN BY THIS MAP. THE LOCAL GOVERNMENT HAS THE FINAL SAY IN ALL MATTERS CONCERNING ZONING AND PLANNING.

**Planning
Commission**
Jefferson County

**PRELIMINARY
SUBDIVISION
PLAN**

DOCKET #: 10-35-98

PROJECT NAME: Locust Creek

EXISTING ZONING: R-4

BUILDABLE LOTS: 577

TAX BLOCK #: 26

PROPOSAL: R4 Inno & R6

TOTAL LOTS: 579

LOT#: 115,116,123-125

LOCATION: JEFFERSON COUNTY

SCALE: 1:13185

MAP #:



000091

PUBLIC NOTICE, DECEMBER 3, 1998

Pursuant to KRS 100 the Louisville and Jefferson County Planning Commission will hold a public hearing on Thursday, December 3, 1998, at 1:00 P.M. in the Old Jail Building (first floor courtroom); 514 W. Liberty Street, Louisville, Kentucky, on the following proposed amendment affecting the use of land in Jefferson County, Kentucky.

DOCKET NO. 9-72-98: Ordinance to change the zoning from R-6 Residential Multi-Family to M-2 Industrial on property located at 2612, 2614 and 2620 West Chestnut Street and 2610, 2612, 2614, 2617 and 2618 West Magazine Street.

DOCKET NO. 9-73-98: Change in zoning from R-4 Residential Single-Family to PEC Planned Employment Center on property located at 2600 Old Blankenbaker Road.

DOCKET NO. 9-74-98: Change in zoning from R-5 Residential Single Family to R-5B Residential Two-Family on property located at 2628 Martin Avenue.

DOCKET No. 9-75-98: Change in zoning from R-4 Residential Single-Family to R-6 Multi-Family and a related Innovative Subdivision proposal on property located at 18123 Shelbyville Road.

DOCKET NO. 9-77-98: Change in zoning from R-7 Residential Multi-Family to C-2 Commercial on property located at the southeast corner of Springhurst Boulevard and Fischer Park Drive, and located on the east side of Springhurst Boulevard, 220 feet south of Fischer Park Drive.

The said proposals may be inspected in the office of the Commission, 531 Court Place, Suite 900, Louisville, Kentucky. Persons who desire special accommodations should contact the Planning Commission office at 574-6230 at least one week prior to the public hearing. (TDD users please use the Relay Service, 1-800-648-6056).

COURIER JOURNAL and LOUISVILLE TIMES
Incorporated

Affidavit of Publication

COURIER JOURNAL AND LOUISVILLE TIMES COMPANY, publisher of COURIER JOURNAL, a newspaper of general circulation published at Louisville, Kentucky, do solemnly swear on personal knowledge, and reference to the files of the newspaper, that the above is the advertisement of

DOCKET#9-72-98

COURIER-JOURNAL as follows:

Page	Date	Lines
114		

Judy Reese

(Signature of person making proof)

Subscribed and sworn to before me this 17 day of November, 1998.

My commission expires May 25, 2002.

Jeri Allison

Jeri Allison (Notary Public)

L618150 BB3B0010



JEFFERSON COUNTY, KENTUCKY
DEPARTMENT OF PLANNING AND ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT SERVICES

DAVID L. ARMSTRONG
County Judge/Executive

R. WAYNE BENNETT, AICP
Division Director

ADRIAN P. FREUND, AICP
Department Director

November 24, 1998

Maurice M. & Deryl L. Sweeney
18123 U.S. Hwy. 60
Fisherville, KY 40023

Date of Public Hearing: December 3, 1998

RE: Docket Number 9-75-98 & 10-35-98

Change(s) Requested: Change in zoning from R-4 Residential Single-Family to R-6 Multi-Family and a related Innovative Subdivision proposal on property located at 18123 Shelbyville Road containing 323.13 acres, being in unincorporated Jefferson County.

Proposed Use: Multi-Family Apartments and Innovative Subdivision

Dear Applicant:

At the meeting of the Louisville and Jefferson County Planning Commission scheduled as above, beginning at **1:00 P.M. at 514 W. Liberty Street, (first floor of the Old Jail Building)**, Louisville, Kentucky, there will be a public hearing on your request as referenced above. Someone must be present at the hearing to present the case to the Commission and to answer any questions which may arise.

To assure that evidence and testimony presented by you and/or your witnesses are accurately reflected in the Planning Commission minutes, and in order to forward this case to the appropriate legislative body in a timely manner, we request submittal of the following items to Steve Lutz:

1. findings of fact to support a resolution by the Planning Commission recommending approval of your request, to be provided no later than November 30, 1998.

LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

531 COURT PLACE • SUITE 900
LOUISVILLE, KENTUCKY 40202-3396

Phone 502-574-6230

FAX 502-574-8129

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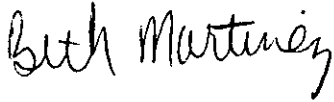
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2. written summary of your presentation at the public hearing to the proposed change in zoning, to be provided to staff no later than close of business on December 7, 1998.

These items should be submitted in electronic format if possible (Word software, sent by e-mail* or on disk), in addition to a paper copy. Failure to provide these items may delay approval of minutes and transmittal to the legislative body.

Persons who desire special accommodations such as a sign language interpreter or large type materials should contact the Planning Commission Office at least one week prior to the public hearing. Call 574-6230 (TDD users please use the Relay Service, 1-800-648-6056).

Sincerely,



Beth Martinez
Secretary

mbm

C: Thomas F. Burton
Sabak, Wilson & Lingo, Inc.

*The e-mail address is first initial and last name of case manager, @louky.org. For example: slutz@louky.org

MEMORANDUM

TO: WHOM IT MAY CONCERN
FROM: PLANNING COMMISSION
DATE: November 24, 1998
RE: Public Hearing Notification Letter to Adjoining Property Owners

DATE OF PUBLIC HEARING: December 3, 1998

Letters were sent to adjoining property owners on the list submitted by you for Docket Number(s) 9-75-98 & 10-35-98. The following letter was returned to us by the Post Office.

St. Luke Baptist Church
18124 Shelbyville Rd.
Fisherville, KY 40023
Blk 34 Lot 161

State law requires notification to adjoining property owners. To make every effort to notify these owners, please double-check the tax block/lot ownership with the Property Valuation office to make certain you have listed the most current ownership of the subject lot(s).

Please respond in writing to Beth Martinez at the above address referencing your docket number(s), so we may either notify the appropriate owners, or, to show the names and addresses submitted are current.



JEFFERSON COUNTY, KENTUCKY
DEPARTMENT OF PLANNING AND ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT SERVICES

DAVID L. ARMSTRONG
County Judge/Executive

R. WAYNE BENNETT, AICP
Division Director

ADRIAN P. FREUND, AICP
Department Director

October 29, 1998

CONCERNING DOCKET NUMBER 9-75-98 & 10-35-98

The Louisville and Jefferson County Planning Commission will be holding a **public hearing** on **December 3, 1998**, regarding a proposed change in zoning from R-4 Residential Single-Family to R-6 Multi-Family and a related Innovative Subdivision proposal on property located at 18123 Shelbyville Road containing 323.13 acres, being in unincorporated Jefferson County.

The proposed uses are multi-family apartments and an innovative subdivision. The proposed Zoning Districts also allow many other uses not currently proposed for this site.

This hearing will be held at **514 West Liberty Street**, first floor of the **Old Jail Building**, Louisville, Kentucky, beginning at **1:00 p.m.** and will continue until all cases on the agenda are heard.

To assure that all evidence and testimony are accurately reflected in the Planning Commission record, and in order to forward this case to the appropriate legislative body in a timely manner, we request that those planning to speak at the public hearing, submit a written summary of their presentation (whether in support or opposition) to the proposed change in zoning.

This notice is being sent to you as an adjoining property owner as required by statute. Although you are not required to attend, this hearing is the public's opportunity to provide evidence and testimony for consideration by the Planning Commission. The recommendation of the Commission is forwarded to the legislative body having jurisdiction over the property to make the final decision based solely upon the record made before the Commission. Therefore if you want to be heard, take this opportunity to attend the hearing or make written submissions to the Commission **prior** to hearing. Legislators are not able to consider your calls and letters after the public hearing.

LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

531 COURT PLACE • SUITE 900
LOUISVILLE, KENTUCKY 40202-3396
Phone 502-574-6230
FAX 502-574-8129

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