

Docket No. 20-ZONE-0120

Proposed zone change from R-4 to R-6 to allow
a 248 - 252 unit apartment community on
property located at 6001 Outer Loop

MIVE Properties, LLC

Attorneys: Bardenwerper Talbott & Roberts, PLLC

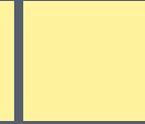
Land Planner, Landscape Architect & Engineers: Blomquist Design Group

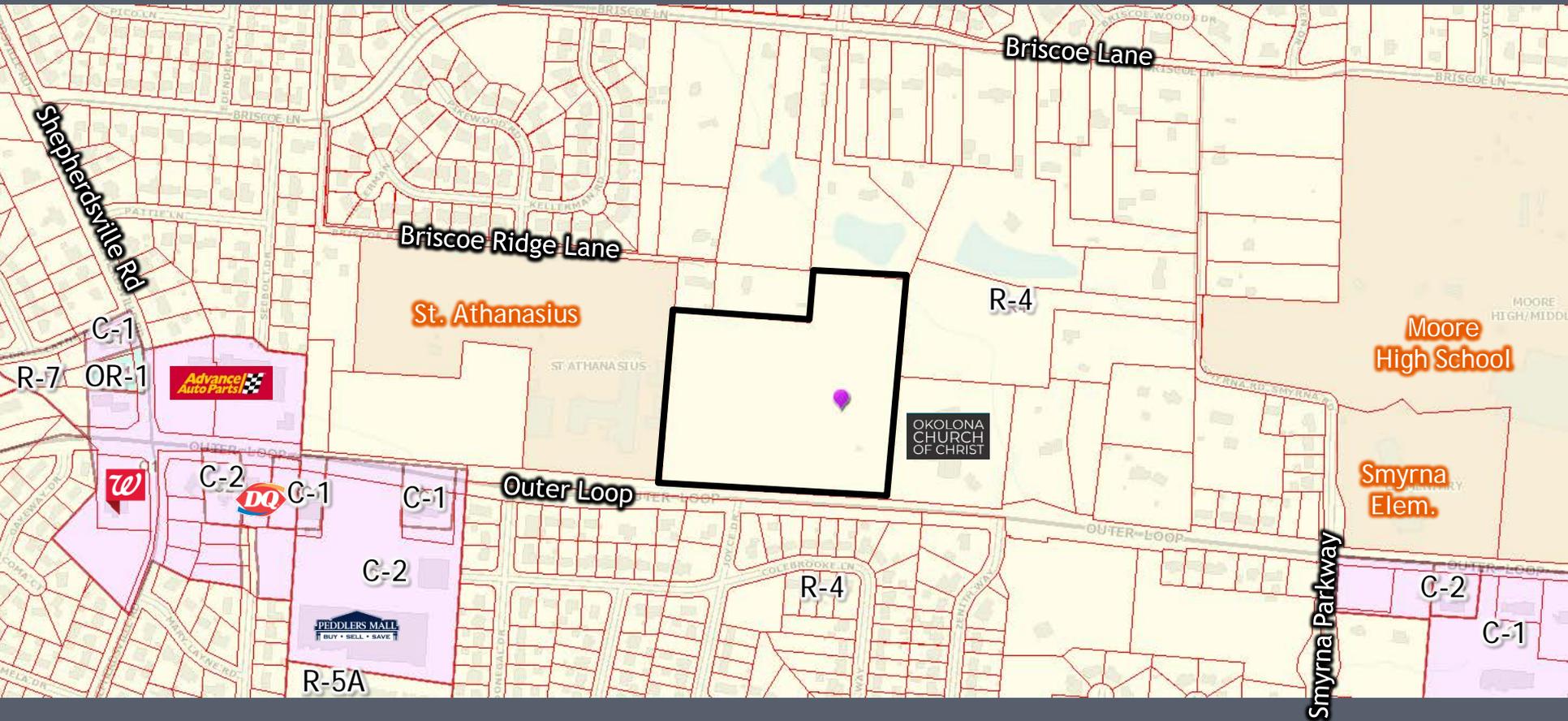
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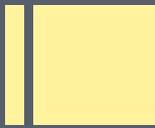


1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification
8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

Tab 1 LOJIC Zoning Map

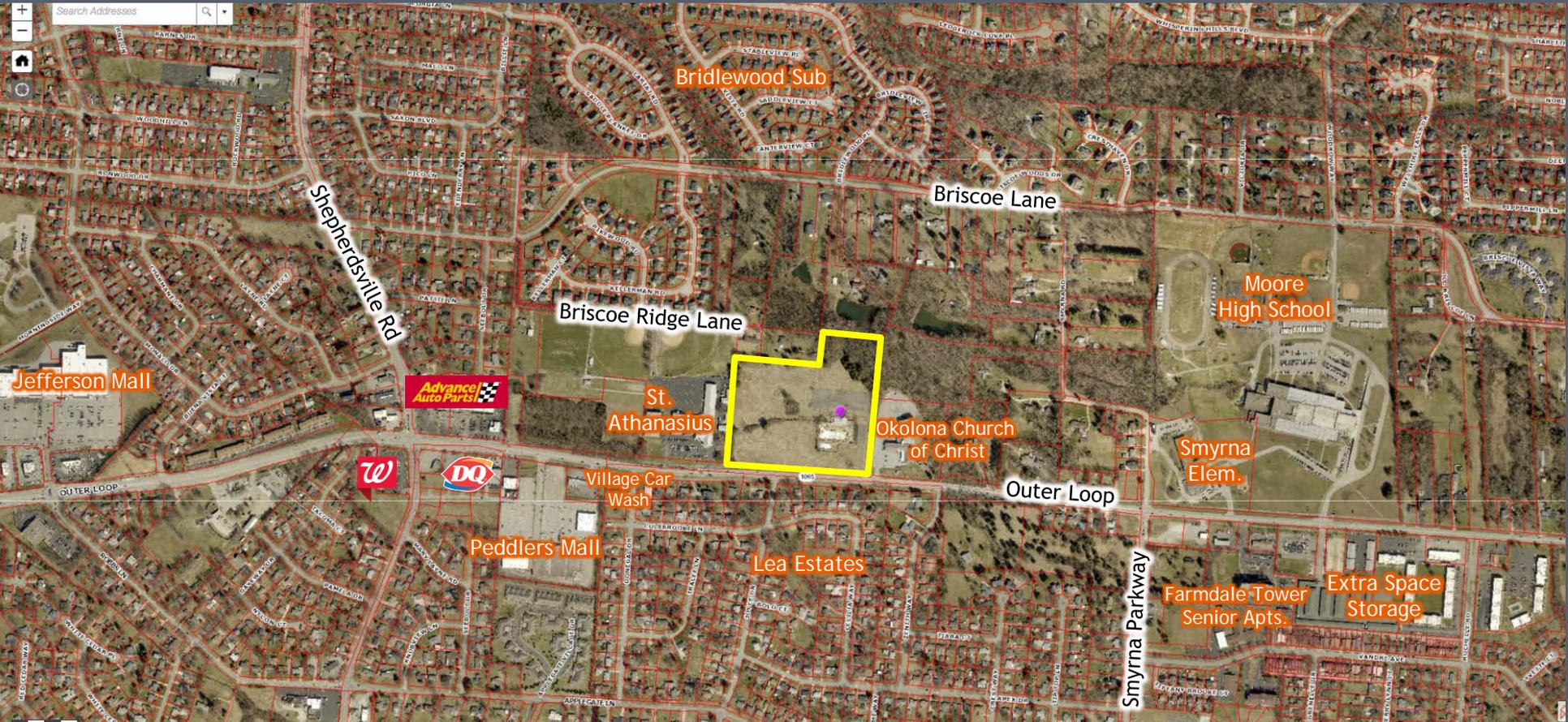






Tab 2

Aerial photograph of the site and
surrounding area



Bridlewood Sub

Briscoe Lane

Moore High School

Briscoe Ridge Lane

St. Athanasius

Okolona Church of Christ

Smyrna Elem.

Shepherdsville Rd

Outer Loop

Smyrna Parkway

Farmdale Tower Senior Apts.

Extra Space Storage

Jefferson Mall

Advance Auto Parts

W

DQ

Village Car Wash

Peddlers Mall

Lea Estates



Briscoe Lane

Briscoe Ridge Lane

Shepherdsville Rd

Advance Auto Parts

W

DQ

St. Athanasius

Okolona Church of Christ

Moore High School

Outer Loop

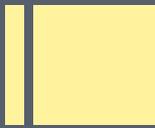
Smyrna Elem.

Village Car Wash

Peddlers Mall

Lea Estates

Smyrna Parkway

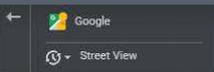


Tab 3

Ground level photographs of the site
and surrounding area



View of Outer Loop looking south from Shepherdsville Road.



Google

View of Outer Loop looking east near Shepherdsville Road.

Outer Loop
Shepherdsville, Kentucky
Google
Street View



Retail on the north side of Outer Loop near Shepherdsville Road.



Retail on the south side of Outer Loop near Shepherdsville Road.



View of Peddler's Mall further east down Outer Loop towards site.

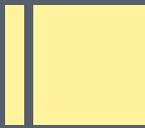


Heading further east down Outer Loop towards site.

5985 Outer Loop
Louisville, Kentucky

Google

Street View



Village Car Wash

en Grill & Chill

Google



View of Outer Loop looking back west towards Shepherdsville Road.

55 Outer Loop

Madisonville, Kentucky

Google

Street View



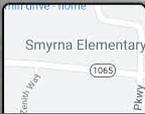
View of St. Athanasius Catholic Church just west of the site.



SITE

Google

View of Outer Loop looking east towards Smyrna Parkway. Site is to the left.



View of site from Outer Loop.



View of entrance to Lea Estates across Outer Loop from site.



View of homes across Outer Loop from site.



SITE



View of Okolona Church of Christ just east of the site.



View of Outer Loop looking further east towards Smyrna Pkwy.



View of Outer Loop looking further east towards Smyrna Pkwy.



Outer Loop

Smyrna Parkway

Smyrna
Elem.

View of Smyrna Pkwy looking north towards Outer Loop.



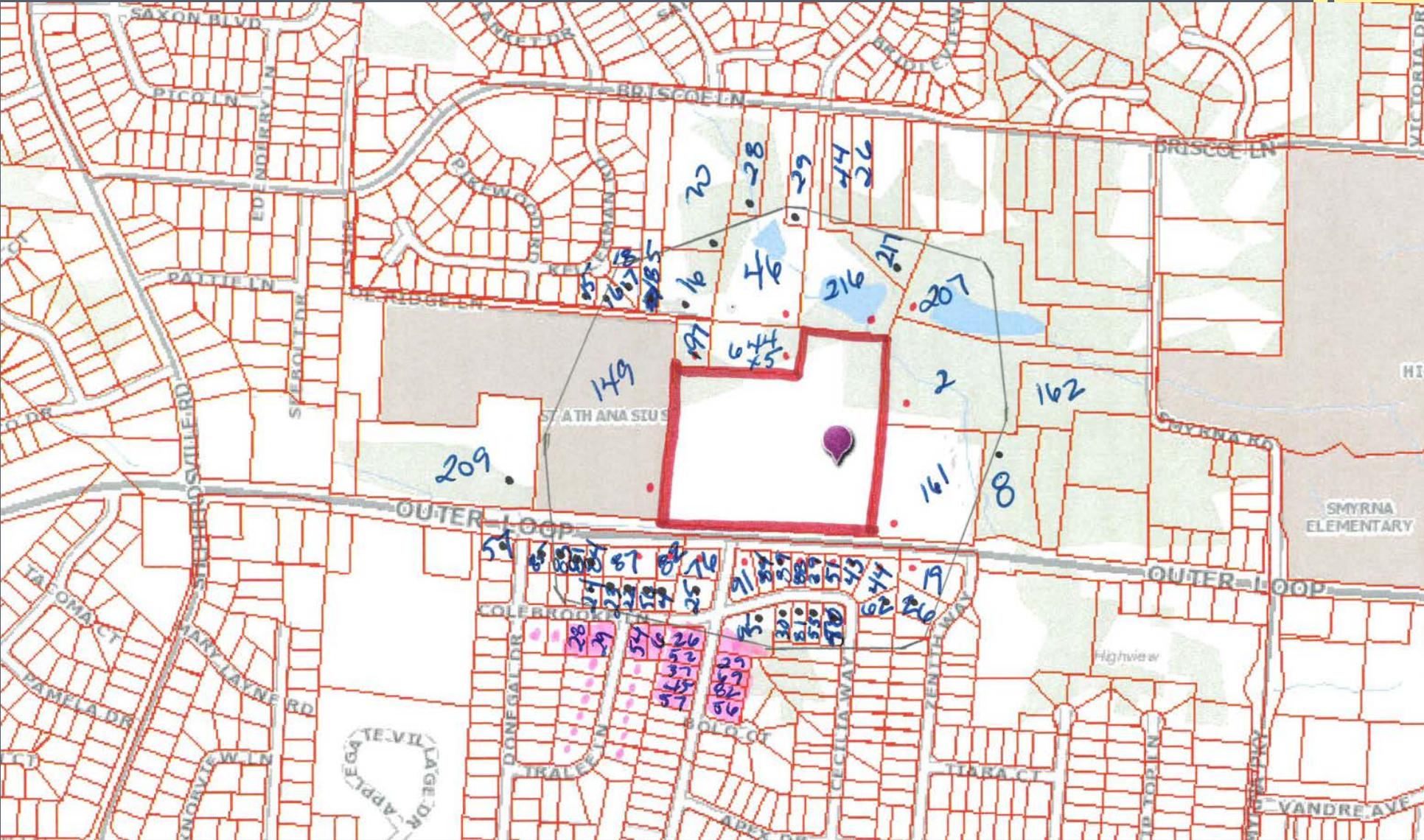
Looking west down Outer Loop from Smyrna Pkwy intersection.



Tab 4

Neighborhood Meeting notice list map,
letter to neighbors inviting them to
the meeting and summary of meeting

Adjoining property owner notice list map wherein 70 neighbors plus those on the DPDS "interested party list" were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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John C. Talbott
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Mobile: (502) 741-8783

November 6, 2020

RE: Neighborhood meeting for proposed subdivision and zone change from R-4 to R6 on property located along the north side of Outer Loop, with a property address of 6001 Outer Loop

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

Our client, Mive Property, LLC, is seeking a zone change from R-4 to R6 (Residential) on the property referenced above. The project is presently anticipated to consist of 248 to 252 multifamily residential units (possibly with an additional clubhouse) on approximately 15.05 acres. A plan for pre-application review was filed with the Metro Planning and Design Services (PDS) on April 9, 2020. The case number is 20-ZONEPA-0038. Dante St. Germain is the DPDS case manager.

The virtual meeting will be held on **Monday, November 23rd** beginning at **6:30 p.m.**

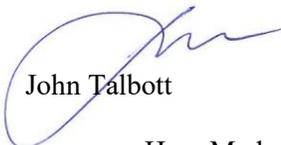
Enclosed for your review are the following:

1. The development plan sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’ “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me, or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

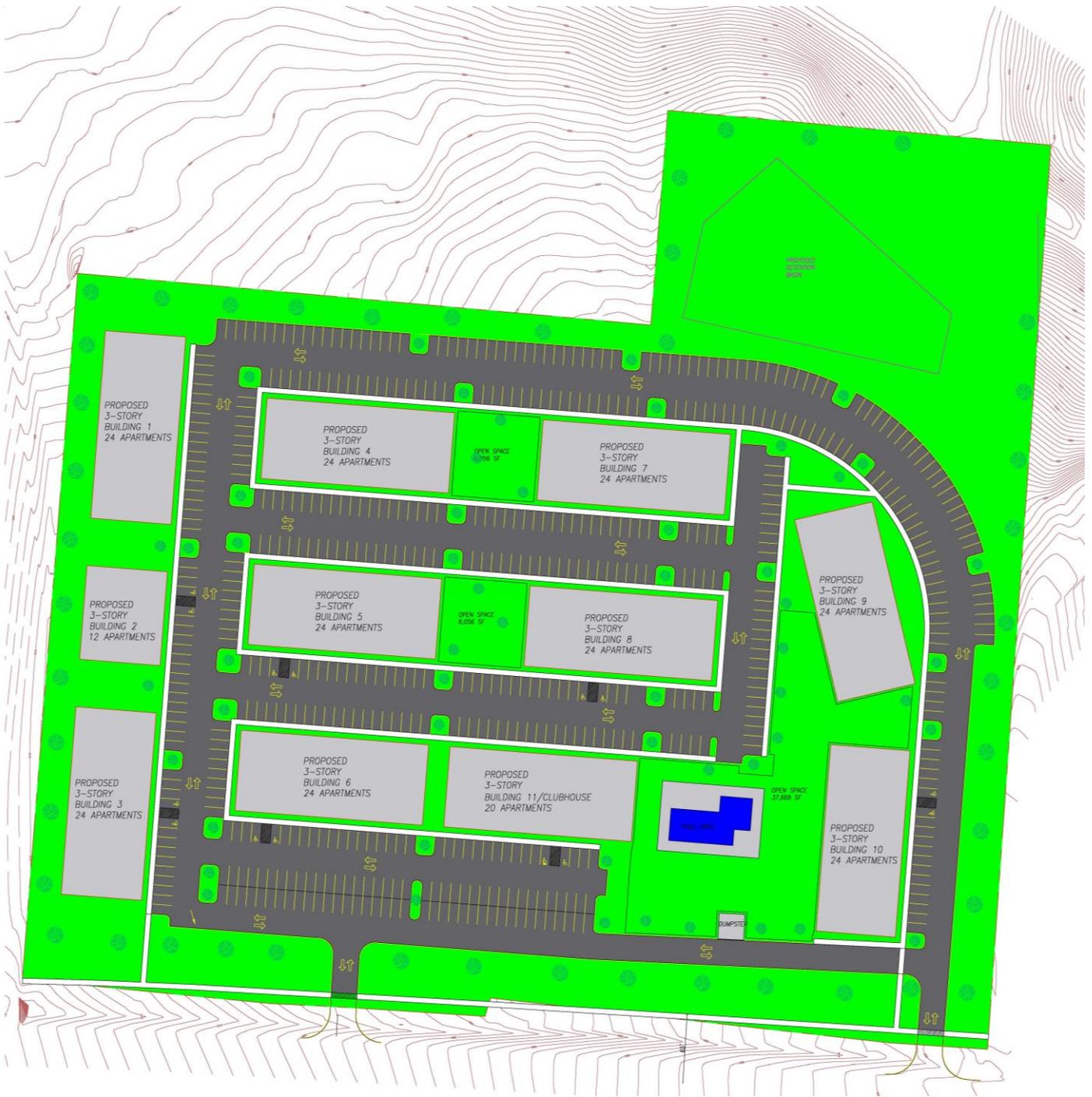
Sincerely,



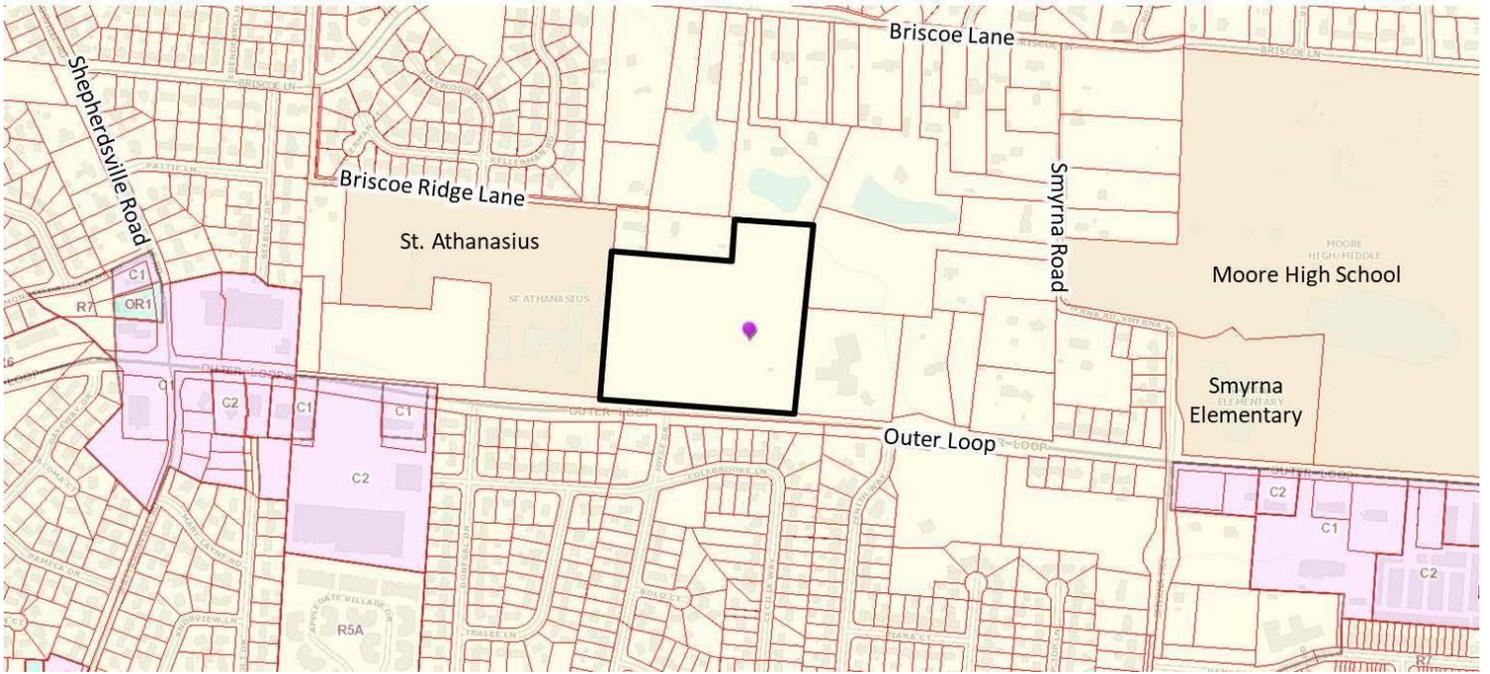
John Talbott

cc: Hon. Madonna Flood, Councilwoman, District 24
Dante St. Germain, Planning & Design Manager with Metro Planning & Design Services
Marv Blomquist, engineer & land planners with Blomquist Design Group
Mike Schnell, applicant representative with Mive Property, LLC

DEVELOPMENT PLAN



LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

Our client, MIVE Property, LLC, is seeking a zone change from R-4 to R6 (Residential) on the property referenced above. The project is presently anticipated to consist of 248 to 252 multifamily residential units (possibly with an additional clubhouse) on approximately 15.05 acres. A plan was filed for pre-application review with the Metro Planning and Design Services (PDS) on April 9, 2020. The case number is 20-ZONEPA-0038. Dante St. Germain is the DPDS case manager.

The property is located on the north side of Outer Loop as shown on the attached “LOJIC Site Location” attachment.

The present zoning is R-4, the proposed zoning is R6 (Residential). The form district is Neighborhood Form District with no proposed change thereto.

The property is located adjacent to a school and a church to the west and east respectively, also on the Outer Loop, with residential uses to the north. The project is proposed to consist of 11 three-story apartment buildings on approximately 15 acres, with up to 24 units per building, for a total of likely 248 to 252 units, not including a possible clubhouse addition.

Landscaping, screening and buffering will contain the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC) in order to provide buffering to the residential homes to the north and the church property to the east. The three residential homes to the north and church to the east will have screening provided in the areas shown on the development plan. Additional screening will be incorporated along Outer Loop in compliance with the parkway buffer guidelines. Greater detail on this should be available at the time of the neighborhood meeting. A tree preservation plan addressing tree protection will be provided to the Planning Commission’s staff landscape architect for approval prior to commencement of post-approval construction activities. A tree canopy will be present in compliance with the Land Development Code or with a waiver for partial relief if necessary.

Sanitary sewer service will be directed by gravity, most likely, to the Cedar Creek Water Treatment Center.

A traffic impact study (TIS) is required and will be prepared by Diane Zimmerman, Traffic Engineer to comply with any requirements of Metro Public Works and Transportation Planning (MPW&TP) during the formal review process. Once completed, it will be available, like everything else pertaining to this proposed project, on the PDS customer service portal. Presently it is anticipated that two access points will serve the property along the Outer Loop as shown on the attached development plan.

The back portion of the subject site will be a large detention basin due to the topography of the site and to provide buffering along back of the property. Storm water will be directed to and detained in this on-site detention/compensation basin, which will assure that post-development rates of run-off does not exceed pre-development conditions.

NOTICE OF POTENTIAL SUBDIVISION/DEVELOPMENT PLAN CHANGES. Please be advised that this “Detailed Summary” is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the subdivision/development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS’s online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: John C. Talbot
(502) 741-8783
John@bardlaw.net*

2. ENGINEERING FIRM

*Blomquist Design Group
c/o Marv Blomquist, land planner
10529 Timberwood Circle, Suite D
Louisville, KY 40223
(502) 429-0105
marvbdg@aol.com*

3. APPLICANT

*Mike Schnell
MIVE Property, LLC
1343 Tile Factory Lane
Louisville, KY 40213
(502) 968-3445
mschnell@schnellcontractors.com*

4. CASE MANAGER OR SUPERVISOR

*Dante St. Germain, Planning & Design Manager
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

MIVE/Outer Loop Neighborhood Meeting
Mon, Nov 23, 2020 6:30 PM - 8:30 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/698684909>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 698-684-909

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/698684909>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at amc@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

John C. Talbot – (502) 741-8783

John@bardlaw.net

Marv Blomquist - (502) 429-0105

marvbdg@aol.com

Dante St. Germain, Planning & Design Manager

(502) 574-4388

Dante.St.Germain@louisvilleky.gov

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting. Please contact the case manager if you are interested in learning how to request a night hearing or hearing in the district of the project.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary
6001 Outer Loop
Docket No. 20-ZONEPA-0038

The virtual meeting was held November 23, 2020 at 6:30 PM. John Talbott, Counsel for the Applicant, MIVE Properties, LLC, presented a PowerPoint which included the meeting notice letter, instructions on how to participate, an explanation of the entire rezoning process, case manager and applicant contact information, notice and explanation of potential changes to the development plan, LOJIC and aerial site photos, development plan, area photographs and a representative building rendering. Engineer Marv Blomquist described and explained the site plan including building orientation and layout, parking, sewer service and stormwater drainage and detention. He explained that the additional parking spaces will serve guests without impacting neighboring properties.

Approximately 16 neighbors and interested parties attended the meeting by computer or phone. The principal concerns were drainage, traffic and security.

Specifically, the Parkers who live on Briscoe Ridge Lane adjacent to the north and topographically below the site, were concerned that site stormwater runoff would increase flow to their property which currently experiences flooding issues and would contaminate their well water. Mr. Blomquist explained that site stormwater drainage would be collected in catch basins and directed to the detention area shown on the plan where it would control release of stormwater so that it would not exceed predevelopment flows and would not increase the volume into the stream where it would ultimately be directed. He also explained that it would not negatively impact the ground water or the well nor would it cause problems for their septic system. The Parkers and others were also concerned about security of the site and that residents of the development would trespass on their properties. Mr. Talbott responded that the developer will be expecting perimeter fencing to make access to adjacent properties more difficult. It was also explained that the developer would have not control over the problem of nonresidents using Briscoe Ridge Lane as the development's only access is to the south at two points on Outer Loop. Their concern with respect to site lighting was addressed by Mr. Blomquist who explained that the LDC requires lighting to be directed down and away from residential properties, that light shields can be utilized to reduce or eliminate glare, and that recent improvements in lighting technology have improved off-site impacts.

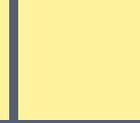
A number of residents expressed concern on the current heavy volume of traffic on Outer Loop, particularly with respect to the traffic generated from St. Athanasius, Okolona Church of Christ and Moore High School. It was explained that Outer Loop is a major arterial classified roadway designed to accommodate heavy traffic volumes. Smyrna Parkway and Shepherdsville Road are also a collector and minor arterial roadways which accommodate higher traffic volumes than local roads. It was explained that this development will require a traffic study to be performed and which will be available in time for review by Land, Development and Transportation Committee review.

Finally, developer Mike Schnell explained that his prior projects have been urban redevelopment. He wanted to develop this site because he was born and raised in this neighborhood and was in the first graduating class at St. Athanasius School.

The meeting concluded at 8:15 PM.

Respectfully submitted,

John C. Talbott
Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, 2nd Floor
Louisville, KY 40223
(502) 426-6688



Tab 5 Development Plan

Briscoe Ridge Ln

St Athanasius School

King P
Church of Christ

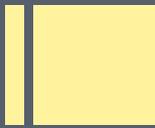
Outer Loop

Joyce Dr

1065







Tab 6 Building Elevations



Front (south) elevation facing Outer Loop

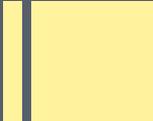


Alt. Color



Front (south) alternative colors





Rear (north) elevation

Side (left/west) elevation



Side (right/east) elevation





Tab 7

Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	MIVE Property, LLC c/o Mike Schnell
<u>Project Name/Location:</u>	Outer Loop apartments/6001 Outer Loop
<u>Proposed Use:</u>	Multifamily Residential
<u>Request:</u>	Zone change from R-4 to R-6
<u>Engineers, Land Planners and Landscape Architects:</u>	Blomquist Design Group

INTRODUCTION

The Applicant is proposing a 252 unit multi-family community at 6001 Outer Loop situated on vacant ground between two institutional uses (St. Athanasius Church and school and Okolona Church of Christ) near the commercial node activity center at Shepherdsville Road and Outer Loop. The subject property is proposed to be rezoned from R-4 Single Family Residential to R-6 Multi-Family Residential. As set forth below, this proposal complies with the applicable provisions of Plan 2040 and the Highview Neighborhood Plan.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposal complies with Goal 1 and Policies 3.1.3, 7, 9, 10, 11, 12, 17 and 19 as it is located in the Neighborhood Form District which is characterized by predominantly residential uses that vary from low to high density... located on minor or major arterial. Outer Loop is a major arterial and a transit corridor near an activity center. The apartments will also provide additional diversity of housing types which will provide housing choice for differing ages, incomes, and abilities, as is encouraged. Appropriate transitions to adjacent institutional and single family residential uses are accomplished by the required buffers which includes privacy fencing and landscaping. The residential uses to the north are substantially below the elevation of the proposed apartments which are oriented to provide privacy. Lighting will be directed down away and specifically will be shielded to eliminate light trespass on to residences. The fencing will also eliminate the glare from auto headlights using the parking areas and drive lanes and will reduce the potential of apartment residents who could otherwise have direct pedestrian access to the properties to the north.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

This proposal complies with Goal 2 and Policies 6, 9 and 17 as it is located very near an activity center resulting in an efficient land use and cost effective existing infrastructure and constitutes new development of a residential use in an appropriate area. Further, the design and location of utility easements are done in a manner to promote ease of access for maintenance and repair.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

This proposal complies with Goal 3 and Policies 1, 2, 3, 8, 9 and 10 as it provides open spaces required by the Land Development Code as well as recreational amenities for the residents compatible with the pattern of development in the Neighborhood Form District. It respects the natural topography of the site as it is located on a hill above the single family residences to the north and is across a major arterial from single family residences to the south. It avoids the steep slopes to the north. The site preserves trees where appropriate and in compliance with the Land Development Code. And the site has no wet or highly permeable soils.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

This proposal complies with Goal 4 and Policies 2 and 3 as there are no distinctive cultural features or historic structures on the site.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

This proposal complies with Goal 1 and Policies 1.1, 1.3, 1.4, 1.5, 1.6, 3 and 4 as sidewalks in and through the site connect to existing sidewalks on Outer Loop providing connection to churches, schools and retail goods and services in the nearby activity center permitting higher density at this location with local TARC bus routes. This location will also have the effect of reducing vehicle miles travelled.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

This proposal complies with Goal 2 and Policies 4 and 5 as access to the site is via the Outer Loop a major arterial and provides two access points situated to provide adequate sight distances relative to the Outer Loop. As a result of the access directly to the Outer Loop major arterial, the development would not be accessed through areas of lower intensity.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

This proposal complies with Goal 3 and Policies 2, 5, 6, 9, 10 and 21 as the site is located on a transit corridor easily accessible and adequate by and for all modes of transportation serviceable to persons with disabilities. A traffic study will be performed which is anticipated to indicate no adverse effects on the transportation network. The site is easily accessible by all forms of transportation and is near employment centers. Property is being dedicated to public right-of-way on Outer Loop and the proposed direct access is not to or from a high speed roadway.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with Goal 2 and Policies 1, 2 and 3 because the site has access to existing utilities including electric, gas, water and sewer services. Emergency, fire and police services are readily available in this location.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

This proposal complies with Goal 1 and Policies 5, 7, 10, 15, 17, 18 and 21 as landscaping will utilize approved natural species and respects the topography of the site to avoid steep slopes. Appropriate landscaping will be introduced pursuant to the Land Development Code. The Detention Basin shall ensure proper water storage and detainment to mitigate negative impacts to the watershed and that water quality goals are met. A karst study has been performed and no karst features were identified. The site avoids negative impacts to the regulatory floodplain as it is not located in a regulatory floodplain.

HOUSING

Goal 1 – Expand and ensure a diverse range of housing choices.

Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.

This proposal complies with Policies 1, 2, and 3 of Goal 1 and Policies 1 and 2 of Goal 2 as it adds to the diversity of housing types in the area with housing options for persons of differing ages, incomes, and abilities. It is located on a transit corridor along the major arterial of the Outer Loop and the commercial node activity center at the Shepherdsville Road intersection, easily accessible via all modes of transportation and pedestrian access to nearby schools, churches, retail stores and services that support an inter-generational and mixed-income development.

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Goal 3 and Policies 1, 2 and 3 because it provides fair and affordable housing for those who prefer a maintenance free life-style in a quality environment

with amenities convenient to shops, services, churches and schools without the financial and maintenance burdens of private ownership. No existing residents will be displaced by this development.

HIGHVIEW NEIGHBORHOOD PLAN

This proposal complies with the recommendation LU7 to locate multi-family development in areas within, or immediately adjacent to, neighborhood activity centers/modes as it is less than 2000 feet from the intersection of Outer Loop and Shepherdsville Road with an activity center. This location is extremely convenient for teachers and students of St. Athanasius, Moore High School and Smyrna Elementary School, places of worship and the goods, services and employment opportunities in the area.

* * *

For all of the above-stated reasons and the information provided on the Detailed District Development Plan this proposal complies with the applicable Goals and Policies and Plan 2040 and the Highview Neighborhood Plan.

Respectfully submitted,

John C. Talbott
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of Section 5.9.2.A.1.a.ii of the Land Development Code to not provide a stub connection to the adjoining property

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the only properties that the connection would potentially serve are single family lots to the north and a potential connection with the local road of Briscoe Ridge Lane. A connection to any of these properties would be of no practical use to the subject property as any residents of the subject site would be heading away from the Outer Loop. It would also position higher intensity development through what is exclusively single family homes and lots. Moreover, the local road is substandard and merely serves three single family lots. Making a connection to Briscoe Ridge Lane would disrupt these single family homes, in addition to the other single family lots. Currently all of the lots to the north have access to Briscoe Lane, with connections to Shepherdsville Road, in addition to other transportation connections and road network. This direct access to Briscoe Lane would be the most direct access for the few residents, rather than through the proposed private streets on the subject site.

2. The waiver will not violate the Comprehensive Plan because there are no new potential impacts to be mitigated by this request to not provide a connection.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because providing the connection has a very large impact single family residences to the north, the owners of which do not want the connection. In addition, stub connection provides little, if any, benefit to the development of the subject site where its traffic is more appropriately directed to the major arterial of the Outer Loop. Further, due to the nature of the connection through the private streets and parking lot of the subject site, this is very different from a subdivision proposal in which a publicly dedicated right of way is proposed.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because of the significant changes required to the current proposed development plan to make the connection, resulting in the loss up to 24 units. Thus, there is very limited benefit, if any, to either of the properties by providing the connection, and a very large detriment to the subject property and the neighbors to the north which are less intense of development than the subject site.



Tab 8

Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN 20-ZONE-0120

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, the Public Hearing held on June 17, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, the Applicant is proposing a 252 unit multi-family community at 6001 Outer Loop situated on vacant ground between two institutional uses (St. Athanasius Church and school and Okolona Church of Christ) near the commercial node activity center at Shepherdsville Road and Outer Loop; the subject property is proposed to be rezoned from R-4 Single Family Residential to R-6 Multi-Family Residential; and as set forth below, this proposal complies with the applicable provisions of Plan 2040 and the Highview Neighborhood Plan; and

WHEREAS, this proposal complies with Community Form Goal 1 and Policies 3.1.3, 7, 9, 10, 11, 12, 17 and 19 as it is located in the Neighborhood Form District which is characterized by predominantly residential uses that vary from low to high density located on Outer Loop which is a major arterial and transit corridor near the activity center; the apartments will provide additional diversity of housing types which will provide housing choice for differing ages, incomes, and abilities, as is encouraged; appropriate transitions to adjacent institutional and single family residential uses are accomplished by the required buffers which includes privacy fencing and landscaping; the residential uses to the north are substantially below the elevation of the proposed apartments which are oriented to provide privacy; lighting will be directed down away and specifically will be shielded to eliminate light trespass on to residences; the fencing will also eliminate the glare from auto headlights using the parking areas and drive lanes and will reduce the potential of apartment residents who could otherwise have direct pedestrian access to the single-family properties to the north; and

WHEREAS, this proposal complies with Community Form Goal 2 and Policies 6, 9 and 17 as it is located very near an activity center resulting in an efficient land use and cost effective existing infrastructure and constitutes new development of a residential use in an appropriate area; further, the design and location of utility easements are done in a manner to promote ease of access for maintenance and repair; and

WHEREAS, this proposal complies with Community Form Goal 3 and Policies 1, 2, 3, 8, 9 and 10 as it provides open spaces required by the Land Development Code as well as recreational amenities for the residents compatible with the pattern of development in the Neighborhood Form District; it respects the natural topography of the site as it is located on a hill above the single family residences to the north and is across a major arterial from single family residences to the south; it avoids the steep slopes to the north; and the site preserves trees where appropriate

and in compliance with the Land Development Code; and the site has no wet or highly permeable soils; and

WHEREAS, this proposal complies with Community Form Goal 4 and Policies 2 and 3 as there are no distinctive cultural features or historic structures on the site; and

WHEREAS, this proposal complies with Mobility Goal 1 and Policies 1.1, 1.3, 1.4, 1.5, 1.6, 3 and 4 as sidewalks in and through the site connect to existing sidewalks on Outer Loop providing connection to churches, schools and retail goods and services in the nearby activity center permitting higher density at this location with local TARC bus routes; and this location will also have the effect of reducing vehicle miles travelled; and

WHEREAS, this proposal complies with Mobility Goal 2 and Policies 4 and 5 as access to the site is via the Outer Loop (a major arterial) and provides two access points situated to provide adequate sight distances relative to the Outer Loop; and as a result of the access directly to the Outer Loop major arterial, the development would not be accessed through areas of lower intensity; and

WHEREAS, this proposal complies with Mobility Goal 3 and Policies 2, 5, 6, 9, 10 and 21 as the site is located on a transit corridor easily accessible and adequate by and for all modes of transportation serviceable to persons with disabilities; a traffic study will be performed which is anticipated to indicate no adverse effects on the transportation network; the site is easily accessible by all forms of transportation and is near employment centers; and property is being dedicated to public right-of-way on Outer Loop and the proposed direct access is not to or from a high speed roadway; and

WHEREAS, this proposal complies with Community Facilities Goal 2 and Policies 1, 2 and 3 because the site has access to existing utilities including electric, gas, water and sewer services; and emergency, fire and police services are readily available in this location; and

WHEREAS, this proposal complies with Livability Goal 1 and Policies 5, 7, 10, 15, 17, 18 and 21 as landscaping will utilize approved natural species and respects the topography of the site to avoid steep slopes; appropriate landscaping will be introduced pursuant to the Land Development Code; the Detention Basin shall ensure proper water storage and detainment to mitigate negative impacts to the watershed and that water quality goals are met; a karst study has been performed and no karst features were identified; and the site avoids negative impacts to the regulatory floodplain as it is not located in a regulatory floodplain; and

WHEREAS, this proposal complies with Housing Policies 1, 2, and 3 of Goal 1 and Policies 1 and 2 of Goal 2 as it adds to the diversity of housing types in the area with housing options for persons of differing ages, incomes, and abilities; it is located on a transit corridor along the major arterial of the Outer Loop and the commercial node activity center at the Shepherdsville Road intersection, easily accessible via all modes of transportation and pedestrian access to nearby schools, churches, retail stores and services that support an inter-generational and mixed-income development; and

WHEREAS, this proposal complies with Housing Goal 3 and Policies 1, 2 and 3 because it provides fair and affordable housing for those who prefer a maintenance free life-style in a quality environment with amenities convenient to shops, services, churches and schools without the financial and maintenance burdens of private ownership; and no existing residents will be displaced by this development; and

WHEREAS, this proposal complies with the recommendation LU7 of this Highview Neighborhood Plan to locate multi-family development in areas within, or immediately adjacent to, neighborhood activity centers/modes as it is less than 2000 feet from the intersection of Outer Loop and Shepherdsville Road with an activity center; this location is extremely convenient for teachers and students of St. Athanasius, Moore High School and Smyrna Elementary School, places of worship and the goods, services and employment opportunities in the area; and

WHEREAS, the design of this medium scaled proposal complies with the recommendation CF3 for new multi-family development to have a design to a scale cohesively integrated into the surrounding existing development which provides a variety of housing types, is connected to the surrounding neighborhood, provides private open space as shown on the development plan; and has an architectural design with pedestrian friendly entries and façade treatments with a variety of elements to avoid duplication of design; 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 Goals of the 2040 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-6 and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 5.9.2.A.1.a.ii of the Land Development Code to not provide a stub connection to the adjoining property

WHEREAS, the waiver will not adversely affect adjacent property owners because the only properties that the connection would potentially serve are single family lots to the north and a potential connection with the local road of Briscoe Ridge Lane and to the church properties to the east and west; a connection to any of these properties would be of no practical use to the subject property as any residents of the subject site would be heading away from the Outer Loop and providing the stubs would cause nuisance and cross-parking issues ; it would also position higher intensity development through what is exclusively single family homes and lots; moreover, the local road is substandard and merely serves three single family lots; making a connection to Briscoe Ridge Lane would disrupt these single family homes, in addition to the other single family lots; currently all of the lots to the north have access to Briscoe Lane, with connections to Shepherdsville Road, in addition to other transportation connections and road network; and this direct access to Briscoe Lane would be the most direct access for the few residents, rather than through the proposed private streets on the subject site; and

WHEREAS, the waiver will not violate the Comprehensive Plan because there are no new potential impacts to be mitigated by this request to not provide a connection; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because providing the connection would have a very large impact single family residences to the north, the owners of which do not want the connection; in addition, stub connection provides little, if any, benefit to the development of the subject site where its traffic is more appropriately directed to the major arterial of the Outer Loop; further, due to the nature of the connection through the private streets and parking lot of the subject site, this is very different from a subdivision proposal in which a publicly dedicated right of way is proposed; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because of the significant changes required to the current proposed development plan to make the connections, resulting in the loss up to 24 units; thus, there is very limited benefit, if any, to any of the properties by providing connections, and a very large detriment to the subject property and the neighbors to the north which are less intense of development than the subject site.

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this waiver to not provide stub connections to adjoining property.