

ORDINANCE NO. 082, SERIES 2022

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 3323 AND 3325 FREYS HILL ROAD CONTAINING APPROXIMATELY 15.22 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0102). (AMENDMENT BY SUBSTITUTION)**

**SPONSORED BY: COUNCIL MEMBER MARKUS WINKLER**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 21ZONE0102; and

**WHEREAS**, the Planning Commission recommended to rezone the property; and

**WHEREAS**, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 21ZONE0102 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing R-4 Residential Single Family zoning designation; and

**WHEREAS**, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 21ZONE0102 to overturn the recommendation of the Planning Commission and maintain the existing R-4 Residential Single Family zoning designation on the property located at 3323 and 3325 Freys Hill Road and being in Louisville Metro; and

**WHEREAS**, the proposal was originally heard by hearing officers at the April 21, 2022 Planning Commission meeting because the Planning Commission lost quorum after a long series of hearings and, despite comments concerning the proposed access points at that hearing, there was minimal follow-up before the final vote on May 12, 2022; and

**WHEREAS**, the proposal is for 312 units and the access point issues led to the creation of Binding Element 12, limiting the building permits to 199 until at least 2 separate access driveways can be connected to the existing roadways; and

**WHEREAS**, the proposed second access point, while creating two new options for ingress and egress, is problematic in multiple ways; and

**WHEREAS**, the proposed second access point would create an expanded shared drive less than 200 feet north along Freys Hill Road of the initial access point, which largely defeats the purpose of the 2 access point requirement, and attempts to send people across parking lots rather than a road, increasing the number of potential points of conflict; and

**WHEREAS**, the proposal does not comply with Mobility Goal 2, subsection 4 because the surrounding residential property is all zoned lower than the proposed R-7 and the second 'access point' to the north would also run across a previously approved mini storage facility, one of the lowest intensity commercial uses and one which is often closed to cross traffic for security purposes; and

**WHEREAS**, this connection to the previously approved mini storage facility would require a reworking of that previously approved plan to allow the proposed second access point to connect to Westport Road; and

**WHEREAS**, the proposal does not comply with Mobility Goal 3, subsection 5 because the site's second 'access point', would send cars across the parking lots of multiple businesses, including the aforementioned mini storage facility, before ever reaching a Metro Road; and

**WHEREAS**, the inadequacy of the proposed second access point indicates that the site is simply proposed to be developed more densely than the site can handle, as an R-5 or R-6 development could be constructed without the need for a second access point; and

**WHEREAS**, while there was a proposed widening of Freys Hill required by Binding Element 7, it was also acknowledged during the hearing that there is insufficient space to expand that widening further down the road, limiting the potential impact of this measure; and

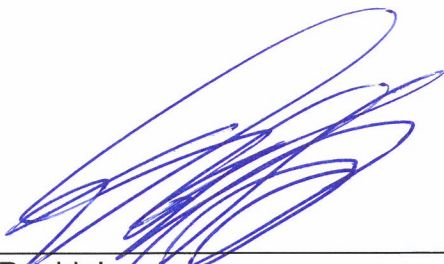
**WHEREAS**, this limit on the potential improvements of Freys Hill emphasizes the importance of a second access point which, as detailed above, is insufficient here.

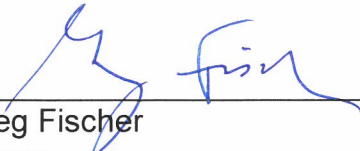
**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the property located at 3323 and 3325 Freys Hill Road containing approximately 15.22 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0102, shall remain R-4 Single Family Residential and that the decision of the Planning Commission in that case is overridden.

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

  
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Sonya Harward  
Metro Council Clerk

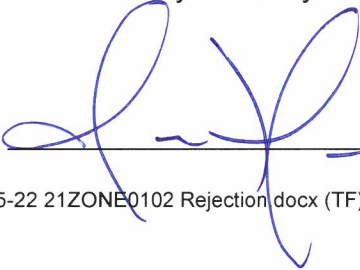
  
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David James  
President of the Council

  
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Greg Fischer  
Mayor

7/07/2022  
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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By:   
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LOUISVILLE METRO COUNCIL  
READ AND PASSED  
*June 23, 2022*