

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 8000 AND 8006 CEDAR CREEK ROAD AND PARCEL ID 065600310000 CONTAINING APPROXIMATELY 19.7 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0060) (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL MEMBER BRENT ACKERSON

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 its Staff as set out in the minutes and records of the Planning Commission in Case No. 20ZONE0060; and

WHEREAS, the Council rejects the findings of the Planning Commission denying the zoning change in Case No. 20-ZONE-0060 and has made alternative findings of fact based on the Planning Commission’s record that the proposed zoning change is in compliance with the Goals, Objectives and Policies of the Comprehensive Plan (“Plan 2040”) which support the approval of the application to rezone the subject property from R-4 to R-6; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 20ZONE0060 in order to reject the recommendation of the Planning Commission and to change the existing R-4 Residential designation to R-6 on the property located at 8000 and 8006 Cedar Creek Road and Parcel ID No. 065600310000, and being in Louisville Metro; and

WHEREAS, contrary to the Planning Commission’s findings, the proposed plan includes stub connections to the north and south such that the approved and existing

subdivisions to the north and south will eventually be connected to one another through this proposed development, and as such the proposed plan would be connected to future adjacent neighborhoods; and

WHEREAS, contrary to the Planning Commission's findings, this proposed multi-family community is located relatively close, roughly within a mile, to an existing and growing large activity center along the commercial corridor of Bardstown Road, which is accessible via Cedar Creek Road and has adequate pavement width with existing and (considering the binding element referenced hereinbelow) future sidewalks, and

WHEREAS, contrary to the Planning Commission's findings, the distance from the proposed multi-family development to the activity and employment center along Bardstown Road is not far from where bus transit exists, and furthermore many multi-family developments have been approved throughout Metro Louisville without direct bus transit access; and

WHEREAS, contrary to the Planning Commission's findings, the proposal for medium-high density development (17.32 dwelling units/acre) is, as stated hereinabove, well-connected with double access to Cedar Creek Road; and

WHEREAS, contrary to the Planning Commission's findings, even though a multi-family community of this kind would fit in well on Bardstown Road, it also fits well here because it expands the diversity of housing types in the area and provides more housing choice for differing ages, incomes, and abilities, which is necessary in this growing area of Louisville Metro; and

WHEREAS, contrary to the Planning Commission’s findings, virtually everything outside of the urban core of Louisville Metro is accessed by automobile, even though public transit, bike accessibility and pedestrian accessibility are goals to strive for; and

WHEREAS, contrary to the Planning Commission’s findings, the proposed zoning district is in compliance with the “CHASE” principles of Plan 2040, in that the proposed plan is “Connected” as set forth hereinabove; it is “Healthy” as it provides many amenities, such as a pool, exercise facilities, and community open space promoting an active lifestyle; it is “Authentic” because it is plainly designed to complement the surrounding area and it protects the blue line stream and natural features to the west of the site; it is “Sustainable” because the design improves the quality of life for citizens harmoniously with the natural environment; and it is “Equitable” in that it provides resources and opportunities of high quality housing to be shared by all Louisville citizens, particularly this underserved but growing area; and

WHEREAS, contrary to the Planning Commission’s findings, the existing structures at the site do not have compelling architectural or historic significance that warrant preservation, and their removal is appropriate considering the advantages the proposed development brings to the area; and

WHEREAS, contrary to the Planning Commission’s findings, the Suburban Neighborhood Form District anticipates high-density residential development, and the specific design, with its mass, scale, height, orientation, setbacks and building materials, are compatible with and provide appropriate transitions to the surrounding area, which includes a mobile home/trailer park, a quarry, a regional sewer plant, and a variety of

residential communities, such as an approved manufactured housing conservation subdivision; and

WHEREAS, contrary to the Planning Commission’s findings, a variance for a three-story building within 35-feet of a single-family residence is not relevant because the applicant affirmatively dropped the requested variance at the Planning Commission Hearing; and

WHEREAS, contrary to the Planning Commission’s findings, the traffic impact study (“TIS”) presented by the applicant demonstrated that the post-development levels of service will be in the acceptable range, and furthermore the TIS recommended off-site road improvements at the intersection of Bardstown Road and Cedar Creek Road, which the applicant agreed to build as part of its project; and

WHEREAS, contrary to the Planning Commission’s findings, issues of stormwater (given that less pervious surface results from all new development) are addressed by the applicant paying the Regional Facility Fee at the request of the Metropolitan Sewer District; and

WHEREAS, contrary to the Planning Commission’s findings, the proposed development is of a high quality and offers amenities (playground, pool, clubhouse and dog park) that are not often provided in multi-family developments in this growing area of Metro Louisville which expands to the diversity of housing types in this area; and

WHEREAS, contrary to the Planning Commission’s findings, the possible alternative of a conservation subdivision is not valid justification for denial and, in fact, the proposed plan protects a blue line stream and natural features on the site; and

WHEREAS, contrary to the Planning Commission’s findings as to specific Plan 2040 Goals, Objectives and Policies, the Council further adopts the applicant’s proffered findings of fact (which are fully supported by testimony and other factual evidence within the record) as its own in order to fully demonstrate compliance with all of the specific Policies of Plan 2040, insofar as those findings seek to justify the change in Zoning and specifically disregarding any which would seek to specifically justify the variance for a three-story building to encroach into the required 50’ setback mentioned above; and

WHEREAS, because pedestrian connectivity as set forth above is a critical aspect of the appropriateness of this project, the Council approves this rezoning on condition that the Binding Element detailed below is added to the eventual Development Plan.

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 properties located at 8000 and 8006 Cedar Creek Road and Parcel ID No. 065600310000 containing approximately 19.7 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 20-ZONE-0060, is hereby changed from R-4 Residential Single Family to R-6 Residential Multi-Family on condition that the following Binding Element is added to the eventual Development Plan: “Developer shall pay up to \$100,000.00 towards sidewalk construction between its development and Bardstown Road if the applicable government agency enters into a construction contract for completion of such sidewalks from the development to Bardstown Road within five (5) years of the date of this Ordinance.”

SECTION II: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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