

**PROPOSED FINDINGS OF FACT ADDRESSING COMPLIANCE
WITH GUIDELINES AND POLICIES OF PLAN 2040, A
COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

HARDEN'S COVE, LLC
5402 & 5406 COOPER CHAPEL ROAD
R-4, Single-Family Residential District to PRD, Planned Residential Development
District
Major Subdivision Plan/Detailed Development Plan

December 16, 2021
Case NO. 21-ZONE-0108

Received
12/15/21

The Louisville Metro Planning Commission, having heard testimony before its November 11, 2021 Land Development & Transportation Committee meeting and during its Public Hearing convened for December 16, 2021, and having reviewed evidence submitted into the administrative record for Case No. 20ZONE0092 and further evidence presented by the applicant, interested parties, and the staff's analysis of the application, make the following findings:

Request Summary

WHEREAS, Harden's Cove, LLC (the "applicant") requests a change in zoning district designation from R-4, Single-Family Residential District to PRD, Planned Residential Development District for properties located at 5402 & 5406 Cooper Chapel Road (the "Property"), which are both currently owned by Robin Underwood Johnson ("Owner"); the applicant files its zoning request alongside a major preliminary subdivision plan & detailed development plan drafted by Sabak, Wilson & Lingo, Inc. (collectively, the "Plan") depicting thereon a moderately-sized, single-family residential community consisting of forty-eight (48) individual buildable lots for attached and semi-detached houses and three open space lots on 9.24 acres of property within an existing Neighborhood Form and situated on the south side of Cooper Chapel Road, just over one-half mile east of Preston Highway commercial corridor and south of the Gene Snyder Freeway (the "Proposal"); and

WHEREAS, the zone change to PRD would add to the diversity in housing within the surrounding Neighborhood Form via a community of quality-built homes for residents who desire to live on smaller single-family lots and, correspondingly, lesser maintenance requirements than the standard R-4 property most prevalent in the area, all of which are served by a network of connected roadways and sidewalks and which have access to usable open space; the applicant's Proposal is in agreement with Louisville Metro's Plan 2040 Comprehensive Plan ("Plan 2040"), because it offers to those residents whom want to live in the area a different type of single-family housing product than the homes already constructed in the surrounding neighborhoods; the Proposal affords a more compact residential community with smaller lots, but also designed to compatibly blend with the existing neighboring single-family properties in the immediate area; the Proposal will furnish new connection stubs to public rights-of-way, which will provide future options to expand the public roadway network, connect single-family residential communities, and eventually provide multiple points of vehicular and pedestrian ingress/egress to/from Harden's Cove; in short, the applicant's Proposal seeks to provide a new, different style of single-family

housing to the immediate area, adding to the diversification of housing types in the Neighborhood Form; and

WHEREAS, the proposed PRD development site is in the Neighborhood Form District and bordered on all sides by properties used as or zoned for single-family residential; to the north across Cooper Chapel Road is Indian Falls, an R-4 single-family subdivision; adjacent to the west and south of the Property is Charleswood Village Subdivision, another primarily R-4 single-family subdivision that although, peculiarly, also has a number of properties central to the subdivision zoned OR-2, Office-Residential and C-1, Commercial; adjacent to the east is one lot zoned R-4, single-family; additional residential densities such as R-6, multi-family residential, R-5, single-family residential, R-5A multi-family residential, and C-1, commercial are within the immediate Neighborhood Form and in near proximity to the Property; as illustrated on the Plan, the Proposal yields a low- to medium-level of density – an overall gross density of 5.30 dwelling units per acre and, after dedicating over 2.4 acres of land to public right-of-way, a net-density of 7.16 dwelling units per acre for the residential community; and

WHEREAS, the proposed rezoning complies with Metro’s Plan 2040 Comprehensive Plan, as more fully justified herein and, therefore, should be approved.

**PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS – LAND DEVELOPMENT CODE**

WHEREAS, the PRD District is intended to provide flexibility in design of residential developments in a manner that promotes implementation of Plan 2040 (Land Development Code for all of Louisville – Jefferson County, Kentucky (“LDC”) Section 2.7.3.A.); the PRD district allows for zero-lot line, townhouse, cluster housing, reduced-lot sizes and building setbacks, and other innovative designs which meet the intent of the Comprehensive Plan; PRD zoning for the Property adds a new housing type to the immediate area’s housing stock, thereby promoting diversity in housing in the Neighborhood Form, thereby strengthening the same;

WHEREAS, per Section 2.7.3.B of the LDC, PRD developments must meet at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system; and

WHEREAS, the applicant’s PRD Proposal complies with criterions #s 3, 4, 5 and advances # 1; in relation to PRD requirements #s 3 and 4, Harden’s Cove will be a

moderately-sized, efficiently developed single-family subdivision community that offers new, quality-built housing on smaller residential lots with a projected construction budget of equal or higher cost per square foot than surrounding housing; the sizes of individual units within Harden's Cove will be comparable or smaller than the homes surrounding it and, correspondingly, the individual lots in Harden's Cove will contain smaller yards for ease of maintenance; the development as a whole will be well-landscaped and thereafter well-maintained; and

WHEREAS, for the encompassing Neighborhood Form, the applicant's Proposal inserts a newer supply of housing product that remains popular for purchasers throughout Louisville Metro; Harden's Cove will increase diversity in types of single-family homes to serve differing ages and incomes of individuals wishing to live (or remain living) in the neighborhood; the proposed dwelling units are intended for but not limited to an older age group of residents (ages 55 and older, including empty nesters), who desire a tightly-knit, well-landscaped community comprised of single-family lots with manageable upkeep and accessibility to a network of pedestrian connections and usable open space; accordingly, the Proposal will introduce a distinct housing type to the neighborhood, thereby contributing to and expanding the variety of housing within an area; and

WHEREAS, also, as it relates to criteria 1 & 5, Fishpool Creek traverses east/west across the rear of the Property; the applicant's Proposal preserves the stream buffer area alongside the rear of the Property, protecting Fishpool Creek, its streambank, and its buffer area from disturbance caused by the construction and placement therein of any structure; the preservation of the area within the buffer will also serve as a protected area for wildlife that live in or rely upon the stream for food and safe passage across and/or between developed land, and is slated to be greenway that will eventually connect to the Louisville Loop of Parks; as a result, the Proposal meets criterion 1 of LDC Sec. 2.7.3.A.

THE PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

Plan Element 1 – Community Form

WHEREAS, the Property is within the Neighborhood Form; and Goal 1, Policy 3.1.3 of Plan 2040's Community Form Plan Element advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas; Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities; new neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses; and

WHEREAS, the Property is located within an area of South Louisville experiencing budding residential development, including Cooper Chapel Road, and, more generally, within a larger area that is experiencing significant growth and investment around the commercial corridor of Preston Highway, south of the Gene Snyder Freeway; Harden's Cove will have its signature entrance on Cooper Chapel Road, a primary collector level roadway, about one-half mile east of Preston Highway, a major arterial roadway; the applicant's Proposal will include a stub connection to an existing local neighborhood roadway – Chathamwood Drive – which provides a future vehicular connection and connects a current pedestrian connection westward to and thru the Charleswood village

Subdivision, which also connects to Cooper Chapel Road; Harden's Cove will also maintain a stub street north to a property fronting Cooper Chapel and used as a single-family home; in all, Cedar Ridge will have three connections for ingress/egress despite having less than fifty (50) residential units; and

WHEREAS, Harden's Cove will incorporate a different housing type – attached and semi-detached – single-family housing on compact lots, the dwelling units of which will be constructed with quality building materials; In the immediate surrounding neighborhood, single-family communities developed in varying densities, site designs, lot sizes and containing dwellings of different sizes and building materials surround the Property; currently, R-4, R-5, R-5A, R-6, OR-2 and C-1-zoned developments are located in the area; the applicant's Proposal will connect to an existing single-family residential neighborhood to the west as well as leave a stub connection for future development to the north; though connected to adjacent subdivision communities, the Proposal's site design and architectural feel of its homes carve out a distinctly unique sense of place in the neighborhood, while also providing safe, efficient connectivity to its neighboring communities, thereby strengthening and diversifying the surrounding neighborhood form; and

WHEREAS, as evidenced by the strong demand in different locations around Louisville Metro for this style of single-family housing, the market has well-received the type of single-family residential development that the applicant proposes for the Property; South Louisville continues to attract residents and commercial development – in this case to the area south of the Gene Snyder and within the Preston Highway Suburban Marketplace Corridor Form, where the expanding commercial employment activity centers are consistently adding new users and where a variety of quality single- and multi-family housing has been and is being constructed within the surrounding neighborhood forms; here, the applicant's Proposal strengthens the encompassing neighborhood form because the Proposal adds to the form's already existing mix of single-family dwellings more houses that are compatibly constructed in scale with surrounding homes and built using high-quality design and lasting building materials (brick, masonry accents and vinyl siding); the lot dimensions, building setbacks and building heights (1-story & 1.5 story) of the proposed residences are similar and in-line with the nearby residential communities within the neighborhood form; as such, the applicant's Proposal is in accord with Plan 2040's Community Form plan element because it bolsters the expanding neighborhood center in the immediate area with diverse and quality housing and supports the adjacent suburban marketplace corridor form; and

WHEREAS, the applicant's proposed subdivision will not detract from the existing neighborhood form by inserting adverse traffic impacts to the immediate area, however; the request to add forty-nine lots will not generate significant traffic trips to cause disruption of existing traffic flows, over-capacitate existing roadway infrastructure, nor will the new connections to the public roadway network create sight-line problems on Cooper Chapel Road or Chathamwood Drive in the future; Harden's Cove will not bring about any known nuisances, such as noise, odor, intrusive lighting, or out-of-place visual intrusions to existing viewsheds or neighboring properties; as such, and for the foregoing reasons, the applicant's request for PRD zoning for the Property is in further agreement with Plan 2040's Community Form Goal 1; and

WHEREAS, the applicant's Proposal advances Goal 2 of Plan 2040's Community Form because with its compact site design for forty-eight (48) single-family homes on 6.84 (net) acres and quality building materials, Harden's Cove encourages sustainable growth

and incorporates appropriate density within an area of differing residential densities, which are served by adequate infrastructure and a nearby expanding Suburban Marketplace Corridor Form to the west; Goal 2 of Community Form looks to accomplish, among other objectives, the promotion of corridors for investment, encouragement of diverse land uses to enhance quality of place and provide safe mobility options to strengthen connectivity around centers and corridors; the proposed change in zoning will allow for an appropriate expansion to the neighborhood form further diversifying its stock of quality housing while also supporting the commercial center(s) nearby to the west; safe connections to existing roadways, bike lanes and sidewalks support movement of people between other neighborhood forms nearby and the Suburban Marketplace Corridor to the west; the applicant's proposal will add area to Cooper Chapel Road's right-of-way and landscaping to its frontage; and

WHEREAS, the applicant's Proposal is also in concert with Goals 3 and 4 of Plan 2040's Community Form because the site protects sensitive natural features – Fishpool Creek at the rear of the site – and no archaeological resources nor historic assets will be endangered or disturbed by the Property's redevelopment; the Property does not possess any severe, steep or unstable slopes susceptible to immediate or long-lasting environmental degradation; no karst has been identified onsite; development of the Property will avoid substantial changes to the site's existing topography; all applicable building setbacks will be met; minimal tree canopy exists today (3% of site) and with the Proposal, the applicant will plant a substantial number of trees throughout the Property, essentially installing a canopy on the Property; landscaping buffers and tree canopy established onsite will equal or exceed the LDC requirements; additionally, light impacts on adjacent properties will be inconsequential, building height is consistent with the mix of building heights in the vicinity; secured garage parking for residents will be provided with each unit, with sufficient guest parking available via driveway space and on-street parking integrated throughout the site; open space is encouraged in the neighborhood form district, and the proposed Plan meets the open space required by the Land Development Code, including a centralized area slated for a dog park; and

WHEREAS, the Proposal harmoniously adds to the range of housing styles in the area, thereby promoting the surrounding neighborhood form by providing diverse housing options for differing ages and incomes; the one and one-and-one-half-story dwelling units the applicant intends to build on the Property will be compatible with the scale, form and function of the surrounding single-family residential uses; the proposed homes will be built from durable, quality building materials that are sustainable and consistent with the building materials utilized in the established single-family neighborhoods surrounding the Property, including brick, masonry, wood and/or vinyl; considering everything, the Commission finds the proposed Harden's Cove will locate a well-built, compact single-family community outfitted with safe internal roadway and pedestrian infrastructure constructed to tie into adjacent residential communities; ultimately, Harden's Cove builds a stronger, more diverse neighborhood; accordingly, the Commission finds proposed development complies with Plan 2040's Community Form Plan Element.

Plan Element 2 – Mobility

WHEREAS, the applicant's Proposal complies with Plan 2040's Mobility Plan Element and its three Goals because Harden's Cove, when developed, will furnish and maintain proper site access, efficient and safe circulation throughout the development for

pedestrians and vehicles, while creating little to no adverse traffic-related effects onto adjacent areas; the Plan shows an interconnected roadway network comprised of public roadways and sidewalks that will safely and efficiently move the flow of cars, bikes and pedestrians through the site and offer stub connections to Charleswood Village subdivision to the west and another stub connection north, which would eventually connect to property fronting Cooper Chapel Road; a pedestrian connection from the Property west to Chathamwood Drive is proposed, which will provide access for residents of Harden's Cove and Charleswood Village to move between the adjoining neighborhoods without having to use Cooper Chapel Road; moreover, this will provide safer, quicker passage for residents of Harden's Cove to access Laukhuf Elementary School; thus, the Proposal's access design is appropriately coordinated for current use and for future roadway and pedestrian improvements; and

WHEREAS, Cooper Chapel Road is a primary collector and metro-county thru roadway with more than enough capacity to absorb the new traffic generated by 48 new residential lots in Harden's Cove; due to the design of the Proposal's internal roadway infrastructure, high rates of speed for vehicles circulating through the community are not reasonably achievable; therefore, the Proposal creates a welcoming environment for bicycling on the neighborhood roadway and walking on the sidewalks; Cooper Chapel road is outfitted with bike lanes that will allow safe passage for cyclists heading west toward the commercial activity center along Preston Highway or east, where cyclists can access Leisure Lane to ride toward McNeely Lake Park; TARC is not yet available to this area of Louisville Metro, but future residents of Harden's Cove are within a reasonable walking distance to the Preston Highway Suburban Marketplace Corridor, where residents can avail themselves of goods, services and entertainment; thus, residents can take advantage of mobility options other than wholly relying upon vehicular transportation; and

WHEREAS, per the submitted Plan, the rights-of-way being dedicated to public use will be 50' wide and provide therein 22' of pavement width; sidewalks aligning both sides of the internal streets will be 6' in width along areas where street parking is located and 4' in width everywhere else; including the area dedicated to the Cooper Chapel Road right-of-way, the applicant will be pledging approximately 2.4 acres of private property to public right-of-way; proposed roadway and entrance intersections will meet the requirements for landing areas, as set by Louisville Metro Public Works; safe sightlines will be established and maintained throughout all roadways within Harden's Cove, including entrances and exits; the applicant's Proposal avoids access to surrounding development through areas of significantly lower intensity or density; circulation and turning radii will all meet minimum standards of Metro Transportation Planning and Public Works; the minimum grade of all streets shall be 1% and the maximum grade shall be 10%; curbs and gutter shall be installed along all streets in the Proposal; construction plans, bond, and permit are required prior to construction approval by Louisville Metro Public Works; and

WHEREAS, each of the proposed single-family lots will have a 1- or 2-car garage and a driveway that connects to the development's internal roadway network; adequate guest parking is available through on-street parking and on driveways of the single-family lots; street trees will be planted in a manner that does not interfere with sight distances or create public safety issues; thus, for the aforementioned reasons, the Commission finds the applicant's Proposal complies with Plan 2040's Mobility plan element and all applicable objectives and policies therein contained.

WHEREAS, the Planning Commission finds Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro; and whereas the Commission also finds the Proposal complies with the Community Facilities Plan Element of Plan 2040 and all its applicable Goals and Policies because although the Proposal itself is not intended to be a community facility, it will be served by all necessary utilities, including water, sewer, electricity, telephone and cable, which are all currently available to the site without extensive costs or disturbances to private or public properties; to the extent possible, compatible utilities will be located within common easements and trenches, as required by each utility; sanitary sewer will connect to the Derek R. Guthrie Wastewater Treatment Plant by lateral extension agreement; sanitary sewer facilities shall conform to MSD's adopted standards; the development also has an adequate supply of potable water and water for fire-fighting purposes; Harden's Cove will be served by the Okolona Fire Department and the Seventh Division of the Louisville Metro Police Department; recreational space is accessible to residents in the form of onsite open space, including area for a proposed dog park; additional offsite recreational facilities exist at nearby McNeely State Park, just over a mile to the east of the Property; for those residents with kids or grandkids, Laukhuf Elementary School is within close walking or biking distance west of the Property.

Plan Element 4 – Economic Development

WHEREAS, the Planning Commission finds Goal 1 of the Plan 2040's Economic Development Plan Element strives to provide an economic climate that improves growth, innovation, investment and opportunity for all; Goal 2 of the Economic Development Plan Element is to cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce; Goal 2 lists as one of its objectives protecting and improving the economic value of the neighborhood; here, the applicant requests approval from Louisville Metro to develop a subdivision that is an attractive community for purchasers looking for single-family homes in this area of south Louisville, which is experiencing growth in both residential and commercial development; thru its zoning application and associated Plan, the applicant wishes to provide a different housing option for the immediate area, one that has proven successful on the market in various other areas of Louisville Metro, thereby improving the value of existing Neighborhood Form, the nearby Preston Highway Suburban Marketplace Corridor Form west of the Property and smaller activity centers in the immediate area; and

WHEREAS, as mentioned, the Property is just east of the Preston Highway Suburban Marketplace Corridor Form, wherein a popular activity center is home to daily commerce and interactions between people and the marketplace; the Preston Highway SMC is a job center (Commerce Crossings; myriad retail stores, restaurants and services), a place to shop for goods and services (Kroger, Walmart, Lowe's, Menard's), a destination for entertainment (Rave 16 Cinema, various restaurants) and worship (a number of religious institutions); the Commission finds the applicant's Proposal will further strengthen the connections between the ever-growing commercial and office uses located and locating in the activity centers of the Preston Highway SMC and the surrounding neighborhood forms; the Proposal adds to the diversity in housing in the neighborhood forms surrounding these commercial uses, and the future residents will support the commercial uses either through

the purchase of goods and services or through filling needed employment, all of which are facilitated by safe, accessible and convenient multi-modal transportation, whether by car, bike and/or walking; consequently, Harden's Cove is an ideal community for individuals or small families who just moved to Louisville Metro for a new job opportunity and are shopping for quality housing within a safe, walkable community and supported by access to nearby commercial and employment opportunities; accordingly, the Commission finds the Proposal advances Plan 2040's Economic Development Plan Element because it adds to the availability and diversity of quality housing located near job and commercial activity centers.

Plan Element 5 – Livability

WHEREAS, the Livability Plan Element of Plan 2040 gives guidance and direction for the provision and maintenance of resources necessary for the health and well-being of Louisville Metro's citizens; the applicant's Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because with the development of the Property, the applicant, in an effort to enhance the natural environment and integrate it with the built environment, will develop the Property in a manner that respects its topography, protects environmental features, and supplies lacking tree canopy; and

WHEREAS, today, the site contains tree canopy on very little of its area (3%) and, whereas, to meet the 40% tree canopy requirement of the Land Development Code, the applicant will plant a substantial number of trees onsite, thereby significantly improving the tree canopy on the Property; the applicant will make certain street trees are planted in a manner that does not affect public safety or hamper sight distances; perimeter setback areas on the Property will be maintained; the Property will be well-landscaped with plant species native to the area and Kentucky in general, which will help blend the natural and built environments of the Property; required mosquito control shall be provided in accordance with Chapter 96 of the Louisville Jefferson County Metro Government Ordinances; a karst survey was conducted on the Property and, therefrom, no karst features were identified; and

WHEREAS, if approved, Harden's Cove will provide just over 83k square feet of common open space, including a proposed dog park central to the subdivision where folks can conveniently access the space from any residential unit via a short walk; additional open space will be created and maintained at the rear of the Property, where it can protect the existing blue line streams (Fishpool Creek) and provide thereto a 100-foot buffer undisturbed by structures, which will enable vegetative growth to protect the functional integrity of the stream channels; importantly, for residents' access to large amounts of offsite open space, parks and opportunities for exercise, Harden's Cove is located within a walk, bicycle ride or short drive (just over 1 mile) to McNeely State Park, which is on Cooper Chapel Road, east from Harden's Cove; and

WHEREAS, the Commission finds the applicant's proposed rezoning of the Property to PRD complies with Plan 2040's Livability Plan Element because the Proposal will include onsite stormwater detention and the post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive, thereby protecting adjacent and downstream properties from adverse impacts of stormwater drainage leaving the Property

(See Major Preliminary Subdivision Plan/Detailed Development Plan, MSD Notes 1-4). Additionally, to accomplish this, the applicant will install drainage infrastructure on the Property to improve proper drainage of stormwater on both the site and surrounding properties, decreasing areas where rainwater pools for extended periods of time; a drainage basin will be constructed at the south eastern corner of the site, where it can collect stormwater properly piped from various areas of the Property and hold the stormwater while it discharges at an appropriately safe rate into the stream; during the neighborhood meeting, an adjacent property owner to the west referenced an area near the shared property line where water collects behind her residence; the applicant's current stormwater infrastructure design depicts an intake very near this problem spot identified by the adjacent neighbor; it's one example of where it is believed a new storm sewer system on the Property can assist with runoff issues not only on the Property, but also help to alleviate pooling stormwater nearby on adjacent properties; moreover, the development preserves on-site, natural drainage features to accommodate runoff, assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil in accordance with Metropolitan Sewer District ("MSD") requirements; and

WHEREAS, connection to MSD sanitary sewer infrastructure via lateral extension will protect groundwater sources underneath the development and on adjacent properties; and, as the land is configured today, a minor area in the rear of the Property lies within the 100-year flood hazard area per FEMA Map No.21111C0111E; this particular area will remain undisturbed from structures and roadway infrastructure; accordingly, emergency vehicle access will traverse ground above any flood levels that might impact the property; also, before the applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting, MSD must be satisfied with the applicant's proposed stormwater management system; to ensure completion of proposed storm-water infrastructure, the Property will be subject to MSD drainage bonding prior to construction plan approval; the final design of this project must meet all MS4 water quality regulations established by MSD; the layout of the site may change at the design phase to facilitate proper sizing of green best management practices (BMPs); finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD; and

WHEREAS, as evidenced by the renderings submitted as part of the applicant's zoning application, the dwelling units being proposed for Harden's Cove will have quality, well-manufactured building materials that will deploy sustainability and efficient energy use; the homes are designed for accessibility to support residents and guests of different ages and physical abilities; the applicant's Proposal complies with Plan 2040's Livability Plan Element because the applicant proposes a well-designed residential community of 48 single-family lots which, as a whole, will cause minimal impacts to existing traffic along Cooper Chapel Road and within the area; stub connections are proposed to adjacent subdivisions and neighboring land; the continuation of sidewalks on both sides of Harden's Cove internal roadways will encourage pedestrian activity throughout the site, connect individual dwelling units to the site's open space, serve guest on-street parking, as well as provide a pedestrian connection to the established residential subdivision west of the Property; close proximity to commercial centers located along Preston Highway corridor and bike lanes on Cooper Chapel Road enables access to commercial goods and services through vehicular, pedestrian and bicycle traffic; all of these measures will improve traffic conditions and, as a result, will minimize air pollution; therefore, the Commission finds the proposed rezoning complies with Plan 2040's Livability Plan Element.

Plan Element 6 – Housing

WHEREAS, the Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means and ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities; the following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; the Planning Commission concludes that the applicant's Proposal advances all three Goals of the Housing Plan Element; Harden's Cove will furnish quality-designed, well-constructed attached and semi-detached housing on smaller, single-family yards, which will also add a new option for residents who wish to reside in the area, thereby diversifying the existing housing types, styles and design within the market of the Property's existing Neighborhood Form; and

WHEREAS, the Proposal is in agreement with the applicable policies of Housing Goals 1 and 2 because the development of Harden's Cove will widen the supply of housing product and diversify the type of homes in this particular real estate market; Harden's Cove will foster opportunities for residents looking to live in this area of South Louisville with attractively-designed housing units, but constructed upon smaller lots within a compact residential community located near accessible commercial activity and job centers with convenient access to major interstates; the introduction to the immediate area of the type of dwelling units proposed for Harden's Cove provides a different housing option – and one that is popular and seemingly in demand Metro-wide – to residents whom want to live in the neighborhood, where property is already served by a well-connected system of roadway infrastructure that supports the movement of people between residential, commercial, recreational, employment and other supporting uses in the area; Harden's Cove is designed for all ages of residents, but is expected to be popular among older residents, widowers, empty nesters, and single professionals who prefer or need to have moderate amounts of acreage and house area, and, correspondingly, matching lower maintenance burdens; and

WHEREAS, this PRD Proposal will act as a suitable transition between neighborhoods, as it will insert differentiation in the types and styles of existing single-family housing in the area, while also compatibly maintaining the single-family residential nature of the immediate neighborhood; for the most part, front- and street-yard minimum setbacks are 15', and minimum rear yard setback is 25'; the applicant has requested a minor variance to allow the street-side yards on six (6) lots be twelve feet (12'), all six of these lots are internal to the site and are not adjacent to properties outside of Harden's Cove; newly planted trees and landscaping throughout the site will provide harmonious appearances between adjacent residential developments, ultimately strengthening compatibility and privacy between connected neighborhoods; the proposed development will generate an insignificant amount of traffic; purchasers of the proposed units will enjoy built-in garage space with direct access to their living space within the home, thereby allowing residents secured, covered access from their respective vehicles to the residences; the Proposal will put in place stub connections to established residential community to the west, which allow safe opportunities for pedestrians and bicyclists to move back and forth between interconnected neighborhoods without accessing Cooper Chapel Road; sidewalks and bike lanes outfit Cooper Chapel Road, which provide non-vehicular options to commercial retail and restaurant uses located along the nearby Preston Highway Commercial Corridor;

Cooper Chapel Road also offers quick vehicular access to various commercial uses and employment sources located in close proximity for residents who must rely on automobile transportation; consequently, Harden's Cove possesses various attributes that support inter-generational residents; and

WHEREAS, consistent with Goal 3 of Plan 2040's Housing Plan Element, the Commission finds the applicant's proposed rezoning will help ensure long-term affordability and livable options in a neighborhood form because it represents a significant investment in the development from an underused, vacant single-family property into a brand new, single-family residential subdivision offering attractive, sustainable, well-constructed homes on compact, reduced lot sizes at a location near to accessible employment centers and commercial goods and services; the development of Harden's Cove appropriately places manageable density of a new style of single-family housing within an area already consisting of various housing styles, ages and price points; the addition of Harden's Cove adds to this area's evolution; this specific area of South Louisville is supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, and entertainment options; the sale of the vacant property to the applicant for development of Harden's Cove does not displace existing residents, however; the development of the Property allows for new residents to move to the area and for existing residents in the area to buy a newer home to remain within the neighborhood.

Findings of Fact in Support of Variance Relief from LDC Section 5.3.1.D.1.b.v

WHEREAS, the applicant, Harden's Cove, LLC, has filed a formal zoning application seeking PRD zoning along with a District Development Plan/Preliminary Major Subdivision to originally allow the construction of forty-nine (49) single-family dwelling units on forty-nine (49) fee simple lots for attached and semi-attached houses atop 9.24 acres of property (the "Plan") located at 5402 & 5406 Cooper Chapel Road, Louisville, KY 40243 (the "Property"); and, whereas, in discussions with Louisville Metro Public Works and Louisville Metro Transportation Planning, the applicant and Metro have reviewed various site design modifications for the proposal to facilitate a site design allowing for roadway widths within the proposed Harden's Cove community to accommodate safe, sufficient on-street guest parking; and, in response to these site design discussions, the applicant has made some minor adjustments to the original Plan to produce a new Plan whereon safe on-street parking will be provided within twenty-nine feet (29') of roadway width, plus curb and gutter, and adjacent to the areas where on-street parking is provided a six-foot (6') wide pedestrian connection is shown; to make extra room for this site design, the applicant has reduced the proposed lot count from forty-nine (49) to forty-eight (48); additionally, to accommodate this new site design, the applicant is requesting variance relief from the Neighborhood Form District minimum requirement street side yard standards; Accordingly, the applicant is requesting a three foot (3') variance from LDC Section 5.3.1.D.1.b.v to permit the street side yard on six (6) lots located internal to the site (lot #s 1, 4, 41, 44, 45 & 48) be twelve feet (12') instead of fifteen feet (15') (the "Variance"), as reflected on newly submitted Plan; and

WHEREAS, after consideration of the evidence established within the administrative record for this variance application, as well as the evidence submitted to the record during the December 16, 2021 public hearing, the Louisville Metro Planning Commission finds the Variance of three (3') from the minimum street side yard requirement for the six (6) identified lots on the Plan complies with KRS 100.243, as more fully explained herein, is

approved; additionally, the justifications the applicant submitted in support of the rezoning and variance applications are set forth herein as if such justifications were herein stated; and

WHEREAS, the Commission finds that the Variance will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity because the six affected properties where the street side yards will be twelve feet (12') instead of fifteen feet (15') are located within the center of the Harden's Cove site and not along its perimeter boundary shared with adjacent R-4-zoned properties; the dimensional relief being requested is internal to the Property and along right-of-way dedicated to the public, thereby having no real external effect to surrounding properties nor to any proposed residential lots adjacent to where the relief is requested; therefore, it will be difficult for anyone outside of the Property to discern the moderately smaller side yards resulting from the Variance; the relief is being requested so that on-street parking can be safely located within the site for residents and residents' guests, a feature the LDC encourages for PRD developments; additionally, the sidewalks along these particular areas where the on-street parking is located on the Plan will be six feet (6') in width instead of four (4') or five (5') feet in width, thereby positively affecting the public health, safety and welfare of the Harden's Cove residents or anyone else who utilizes these pedestrian connections; as a result, the Commission concludes the Variance will encourage public health and safety around the affected areas and, overall, the Variance will not affect the essential character of the general vicinity; and

WHEREAS, the Commission further finds the Variance will not cause a hazard or nuisance to the public because the dimensional relief the applicant requests will not impact residential lots on or near the perimeter of Harden's Cove and, in turn, such relief will not affect the single-family properties neighboring the Harden's Cove Property; additionally, the added sidewalk space being provided on the Property will provide pedestrians with safer spaces to walk throughout Harden's Cove; similarly, the requested variance does not allow for an unreasonable circumvention of the requirements of the zoning regulation because the dimensional relief being requested relates to street side yards of six single-family lots that are not visible from outside of the Property, nor from any perspective along Cooper Chapel Road, and because the Variance will allow for needed on-street parking and wider pedestrian connections; the relief being sought is partly a result of the applicant designing the PRD site to balance the advantages of the PRD regulation with universal minimum required driveway standards – namely marrying of the fifteen-foot (15') front yard requirement with the twenty-five foot (25') long driveway standard for each lot; in an efficient, compact residential site design, as encouraged by Plan 2040 and the PRD regulation, it is important to harmonize certain zoning regulations that often apply well to more conventional R-4 and R-5 subdivisions, but do sometimes conflict when applied with alternative site designs (like PRD site designs); here, the Commission finds the proposed site design achieves an appropriate balance with the 15' front yard requirement and the 25' driveway standard; the minor variance relief being requested supports achieving such balance of applicable LDC standards; ultimately, the applicant's proposal will diversify the single-family residential dwellings in the area, thereby providing more living options for which residents to choose in a suburban setting; and

WHEREAS, the Commission further finds the requested variance arises from a special set of circumstances where the applicant and Metro Public Works and Transportation Planning have worked together on design of the site to optimize pavement

space of the proposed internal roadways to accommodate a pavement width of twenty-nine feet (29'), where on-street parking spaces safely fit alongside six-foot wide pedestrian connections; the applicant has drawn the site plan for a specific building footprint that has been located in other residential communities in Louisville Metro where the residential buildings have proven to be successful, in-demand residences; Plan 2040 embraces diversity in housing development, including the efficient use of the land and varying densities; while remaining sensitive to the Property's environmental features and surrounding properties, the applicant's Plan successfully achieves these aims of Plan 2040, and variance and waiver relief often arise when developing compact density on properties of small/moderate acreage, notably when designing sites to address how utilities and infrastructure will serve proposed dwelling units; accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the Plan as proposed today is a compromise between the applicant and Metro Public Works and the site design generated here is a solution that will support the construction of Harden's Cove in conformance with Plan 2040; the circumstances are the result of the actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought and, accordingly, the applicant has filed for the Variance relief to address it; consequently, the Planning Commission finds the Variance of three (3') from the minimum street side yard requirement complies with KRS 100.243 and, as a result, warrants approval.

LDC Section 7.3.30.E

Proposed Findings of Fact in Support of Waiver to Allow More Than 15% of the Rear Yards of Lots to Be Occupied by Storm Sewer Easement

WHEREAS, the Planning Commission finds Hardens Cove, LLC (the "applicant") has filed development review applications with Louisville Metro Planning and Design Services wherein it requests a change in zoning district designation from R-4, Single-Family Residential District to PRD, Planned Residential Development District and a major preliminary subdivision plan & detailed development plan for properties located at 5402 and 5406 Cooper Chapel Road, Louisville, KY 40229 (the "Property") to located on the Property a single-family residential community consisting of forty-eight (48) individual buildable lots for attached and semi-detached houses and three open space lots on 9.24 acres within an existing Neighborhood Form and situated just over one-half mile east of Preston Highway commercial corridor and south of the Gene Snyder Freeway (the "Proposal"); if approved, the zone change to PRD would add to the diversity in housing within the surrounding Neighborhood Form via a community of quality-built homes for residents who desire to live on smaller single-family lots and, correspondingly, lesser maintenance requirements than the standard R-4 property most prevalent in the area, all of which are served by a network of connected roadways and sidewalks and which have access to usable open space; as part of the more compact, efficient site design proposed for the Property, the applicant is requesting a waiver from Chapter 7 of the Land Development Code ("LDC") to allow more than 15% of the rear yards of lots proposed in Hardens Cove to be occupied by a drainage easement; and

WHEREAS, for the evidence submitted into the administrative record established for this waiver application, and for the reasons stated herein, as well as within the justifications the applicant has filed in conjunction with its request for a change in zoning to PRD and associated preliminary major subdivision plan, the Louisville Metro Planning Commission finds the requested waiver complies with Plan 2040, A Comprehensive Plan for Louisville

Metro ("Plan 2040") and the criteria for granting waivers and, therefore, should be approved; and

A. The waiver will not adversely affect adjacent property owners.

WHEREAS, the requested waiver relief from Chapter 7 of the LDC is to allow the efficient PRD design of the smaller lotting pattern of single-family properties, as reflected on the major preliminary subdivision plan & detailed development plan drafted by Sabak, Wilson & Lingo, Inc. (collectively, the "Plan") and filed alongside the applicant's formal zoning application assigned Case No. 21-ZONE-0108; the waiver relief will allow for the applicant to properly handle drainage throughout the development, as reviewed and approved by MSD, which will benefit adjacent property owners; the relief to allow the rear yards of the proposed lots be occupied by drainage easements will not adversely affect adjacent property owners because the easements will be imperceptible from the vantage point of the adjacent properties because the affected rear yards occupied by easements will be grassed and appear as normal rear yards of residential properties; all associated required rear yard building setbacks within Hardens Cove will comply with LDC requirements; accordingly, the Commission finds the waiver will not adversely affect adjacent property owners; and

B. The waiver will not violate the Comprehensive Plan.

WHEREAS, Hardens Cove is within the Neighborhood Form District; Plan 2040's Community Form Plan Element Goal 1, Policy 3.1.3 advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas; further, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities; new neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses; Consistent with the goals and policies of Plan 2040's Neighborhood Form are the Goals set forth in Plan 2040's Housing Plan Element, which aim to: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; the PRD zoning district being sought for the Property is an LDC zoning regulation consistent with these aforementioned Plan 2040 Goals and, what's more, is a method by which applicants can implement these very Plan 2040 Goals because it provides for flexibility in design of residential developments, allowing zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative site designs; and

WHEREAS, with its zoning application in support of Hardens Cove, the applicant will construct a quality-built, single-family residential community with smaller sized lots, as supported by the PRD zoning designation in Louisville Metro; the Proposal will diversify the supply of single-family housing in the immediate area with a more compact site design as opposed to the single-family communities comprised of larger R-4, Single-Family lots predominating the surrounding areas in the immediate area; as part of the overall Hardens Cove site design, the proposed waiver relief will allow for the applicant to properly place infrastructure onsite for sufficient managing of water drainage throughout the development, which will benefit adjacent property owners; and

WHEREAS, the Commission has considered the support for differentiation of site design of residential developments set forth within the Comprehensive Plan and encouragement for residential developments to provide a variety in housing styles and types, and with the PRD regulations being an implementation tool of these Comprehensive Plan policies, the Commission finds the requested waiver is not incongruent nor violative with Plan 2040; rather, the Commission finds the opposite is the case, for when sites are designed to create those residential subdivisions that are more compact in nature, as supported by Plan 2040, land area is more constricted and limited, thereby leaving less area for accommodating utility and drainage systems throughout the subject site; here, the rear yard areas where the drainage easements will overlap will remain usable by the resident and will not appear as anything other than a rear yard; accordingly, the Commission concludes that granting of the requested waiver will not violate the Comprehensive Plan.

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

WHEREAS, the Applicant has gone over numerous iterations of design for the site, taking into account input from MSD, in an effort to have the extent of the waiver be the minimum necessary to afford relief to the applicant within the confines of the property; the proposed dwelling units will be constructed, per the Plan, in areas where the drainage infrastructure can effectively serve the proposed dwelling units and the environmental features on the Property – stream at the back, southern side of the Property – remains sufficiently protected; and, as mentioned, the rear yards of the proposed lots will allow for use of said backyards, just no location therein of structures; therefore, the Commission finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

D2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

WHEREAS, the Commission finds that the strict application of the zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular Chapter 7 regulation, the applicant would need to reduce the size of the building footprints of the majority of the dwelling units proposed for Hardens Cove, thereby changing the character and appeal of the proposed single-family subdivision; the applicant might also be required to drop a number of building lots, which seems to run counter to the intent of the PRD regulation, which promotes flexibility in site design of residential developments such as the applicant's Proposal, which the applicant specifically designed with reduced lot sizes because there is high demand for this very housing product Metro-wide, but is not as abundant in this immediate area of Louisville Metro; strict adherence to LDC 7.3.30.E would deprive the applicant (and the surrounding neighborhood) from building appropriate housing on the Property, thereby presenting impediments to broadening the diversification in housing to the surrounding neighborhood form; avoiding this unnecessary hardship warrants relief from LDC 7.3.30.E.

COMPLIANCE WITH KRS 100.213

For all the reasons set forth in the applicant's detailed Justification Statement and the information set forth on the Amended Subdivision Plan submitted with its formal zoning application, the Commission finds the applicant's Proposal is in agreement with the intents, guidelines and policies of Louisville Metro's Plan 2040 Comprehensive Plan. Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213, and the applicant's Variance and Waiver Applications are properly justified and, therefore, variance and waiver relief, based upon the submitted Plan, are warranted.