

**ORDINANCE NO. \_\_\_\_\_, SERIES 2017**

**AN ORDINANCE REJECTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND DENYING THE REQUESTED ZONING CHANGE FROM R-5A RESIDENTIAL SINGLE FAMILY, R-4 RESIDENTIAL SINGLE FAMILY AND OR-1 OFFICE/RESIDENTIAL TO R-7 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED AT 6500 FOREST COVE LANE AND 7301 RIVER ROAD, CONTAINING A TOTAL OF 9.697 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1056) (AMENDMENT BY SUBSTITUTION).**

**SPONSORED BY: COUNCILMAN SCOTT REED**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearings held by the Louisville Metro Planning Commission ("Commission") and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 16ZONE1056; and

**WHEREAS**, the Council disagrees with the findings of the Commission for the zoning change in Case No. 16ZONE1056 and has made alternative findings of fact, based on the record of evidence established by the Commission, to deny the rezoning from R-5A Residential Single Family, R-4 Residential Single Family and OR-1 Office/Residential to R-7 Residential Multi-Family, as the proposal is not in agreement with the adopted comprehensive plan, Cornerstone 2020, and has set forth its findings in this Ordinance; and

**WHEREAS**, the Council finds that the proposed rezoning violates Cornerstone 2020 Guideline 3, Policies 1 and 3, because the proposed buildings are not compatible with the scale of nearby existing development, and is not compatible with adjacent residential area because there are no residential buildings within a two mile radius

which have anything even close to the height (four stories) and the length of the proposed buildings (501 feet); and

**WHEREAS**, the Council finds that the proposed rezoning violates Cornerstone 2020 Guideline 3, Policies 9, 10, 11, 15, 21, and 22, because the character of residential areas in the vicinity, roadway corridor (the Scenic Byway of River Road), and public spaces is not protected by otherwise buffering trees from late autumn to early spring each year; because the proposed housing type (massive four story structure) does not reflect the form district pattern; because the proposed high density is not located along a transit corridor (only one existing TARC route in the area and no new routes are planned); the design of the perhaps otherwise appropriate/inclusive housing is not compatible with the site and building design of nearby housing because of its overwhelming height and mass and close proximity to Timber Ridge Drive; because the site plan does not provide appropriate transition between the existing area and the scale, intensity and density of the proposed development, nor does the site plan mitigate the substantially different intensity and density as proposed; and

**WHEREAS**, Planning Commissioners appeared to believe that the preliminary approval by the Air Pollution Control District addressed the health and safety concerns of the gas station which is located between 50 and 75 feet away from the edges of the proposed buildings when in fact the Air Pollution Control District review did not consider these circumstances; and

**WHEREAS**, the Council finds that the proposed development violates Mobility/Transportation Guideline Policy A.10 because the off-street parking (210 spaces for 198 residential units) is inadequate because the Land Development Code

Table 9.1.2 requires 1.5 spaces per dwelling unit for multi-family dwellings which would require 284 spaces; overflow parking for residents and guests have no on-street parking available which would likely create a nuisance to surrounding land uses that have limited space for parking; and the Planning Staff applied the “Senior Citizen/Retirement Home” (which is not defined in the Land Development Code) parking standard of 0.5 spaces per unit which ignores that only one resident of a unit is required to meet the 55 age requirement in this development; and

**WHEREAS**, based upon the findings stated herein, the Council concludes that the existing R-5A Residential Single Family, R-4 Residential Single Family and OR-1 Office/Residential zoning designations for the property located at 6500 Forest Cove Lane and 7301 River Road remain appropriate and, based upon the record established before the Commission, the Council finds that the requested rezoning does not comply with the adopted Cornerstone 2020, and the Council further concludes that the evidence therein fails to establish a compelling need for a change in zoning from the existing R-5A Residential Single Family, R-4 Residential Single Family and OR-1 Office/Residential for property 6500 Forest Cove Lane and 7301 River Road, and being in Louisville Metro.

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

**SECTION I:** The property located at 6500 Forest Cove Lane and 7301 River Road, containing a total of 9.697 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 16ZONE1056, shall hereby remain R-5A Residential Single Family, R-4 Residential Single Family and OR-1 Office/Residential.

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

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H. Stephen Ott  
Metro Council Clerk

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David Yates  
President of the Council

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Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_