

Docket No. 17ZONE1020

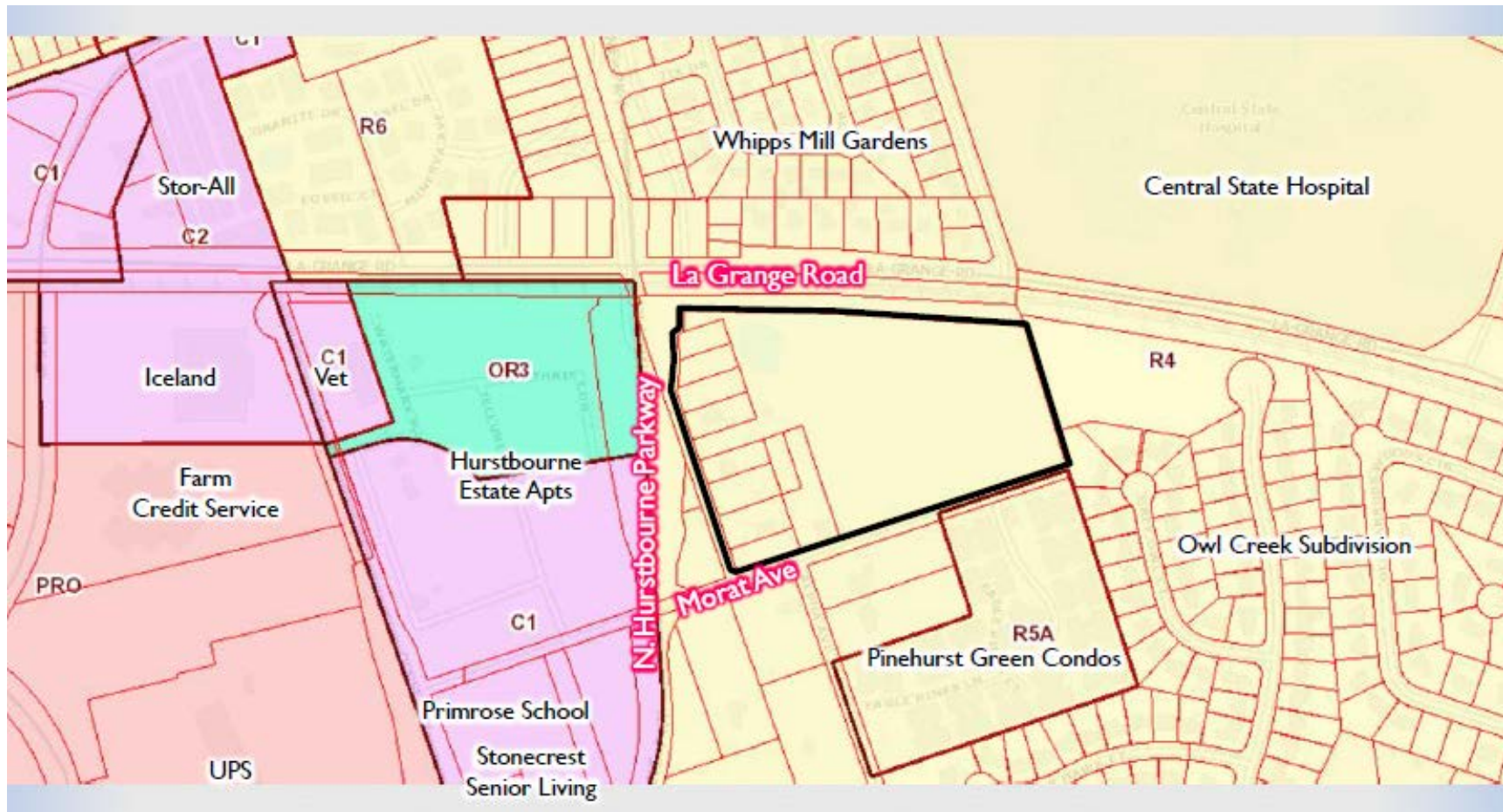
Zone change from R-4 to R-6 to allow a 244-unit residential gated and fenced community on property located at 1402, 1501, 1509, 1603, 1605, 1607 & 1701 Alpha Avenue and 1515 Morat Avenue



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Tab 1
LOJIC Zoning Map



Tab 2
Aerial photograph of the site and
surrounding area

- Neighborhood Form District

- “Residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas”
- Calls for diverse housing types including multi-family rental housing





Owl Creek
Subdivision

Pinehurst Green
Condos

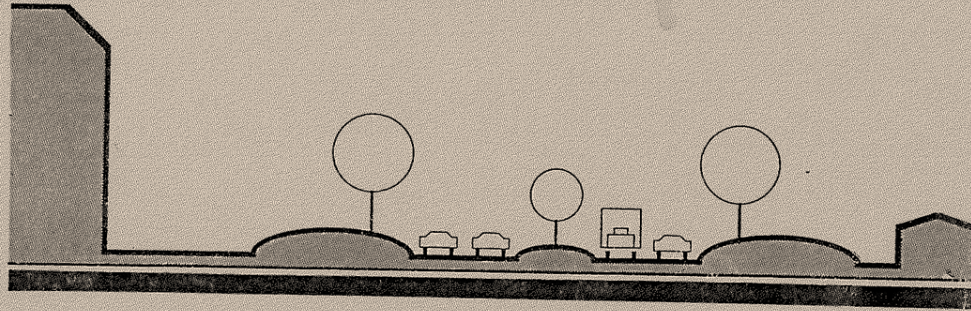
La Grange Road
RR Tracks

Alpha Ave

Morat Ave

N Hurstbourne Parkway

Tab 3
Hurstbourne Parkway Corridor Study
excerpts



Hurstbourne Parkway Corridor Study

uu

**Planning
Commission**
Jefferson County



ACKNOWLEDGEMENTS

The Hurstbourne Parkway Corridor Task Force met frequently for over two years on this plan. Task Force members were:

Mr. Bill Bardenwerper, Chairman
Mayor Susan Barto
Mr. Bob Butler*
Mr. Burt Deutsch
Commissioner Tom Eifler*
Mayor Foster Farris
Mr. Mr. Tom Gish
Mr. Dick Good*
Commissioner Chris Gorman
Mr. Ken Griffin
Mr. Ralph Gronefeld
Dr. James Hinkebein

Mr. Joe Jones
Mr. Jeffrey Lagow
Mr. Steve Lannert
Mr. Brian Lavin
Mr. Ray McDonald
Commissioner Irv Maze
Mr. David Olshansky
Mr. Bill Petter
Mr. Frank Ruley
Mayor Carolyn Schroering
Mr. Joe Schweinhart*
Mr. Jim Woodall

Several of the Task Force members had alternates or representatives attend one or all of the meetings. These included: Deanna Epperly, for Commissioner Gorman, Diane Kotarski, City of Lyndon and Mark Trier, for Joe Jones.

Staff from departments other than the Planning Commission were actively involved. Among them were: Lucy Lyons, Kathy Slay and Carolyn Vose of the Office of Economic Development; and Mark Adams, Jim Adkins, Dale Hettinger, Tom Stockton and Steve Tucker of the County Works and Transportation Department.

Several other individuals participated in Task Force or public meetings or made comments on earlier drafts of this report. Their assistance was much appreciated (although listing of their names here does not necessarily imply endorsement of the report's contents; Dick Good and John Heleringer of the Hurstbourne Corridor Business Association; Bill Monhollon, Sherrill Smith and Bill Seymour of the Kentucky Transportation Cabinet; Norm Nezelkewicz, Kentuckiana Regional Planning and Development Agency; and David Wright, Presnell Associates, Inc. Many others, including members of the general public, provided information and helpful comments throughout the course of the study.

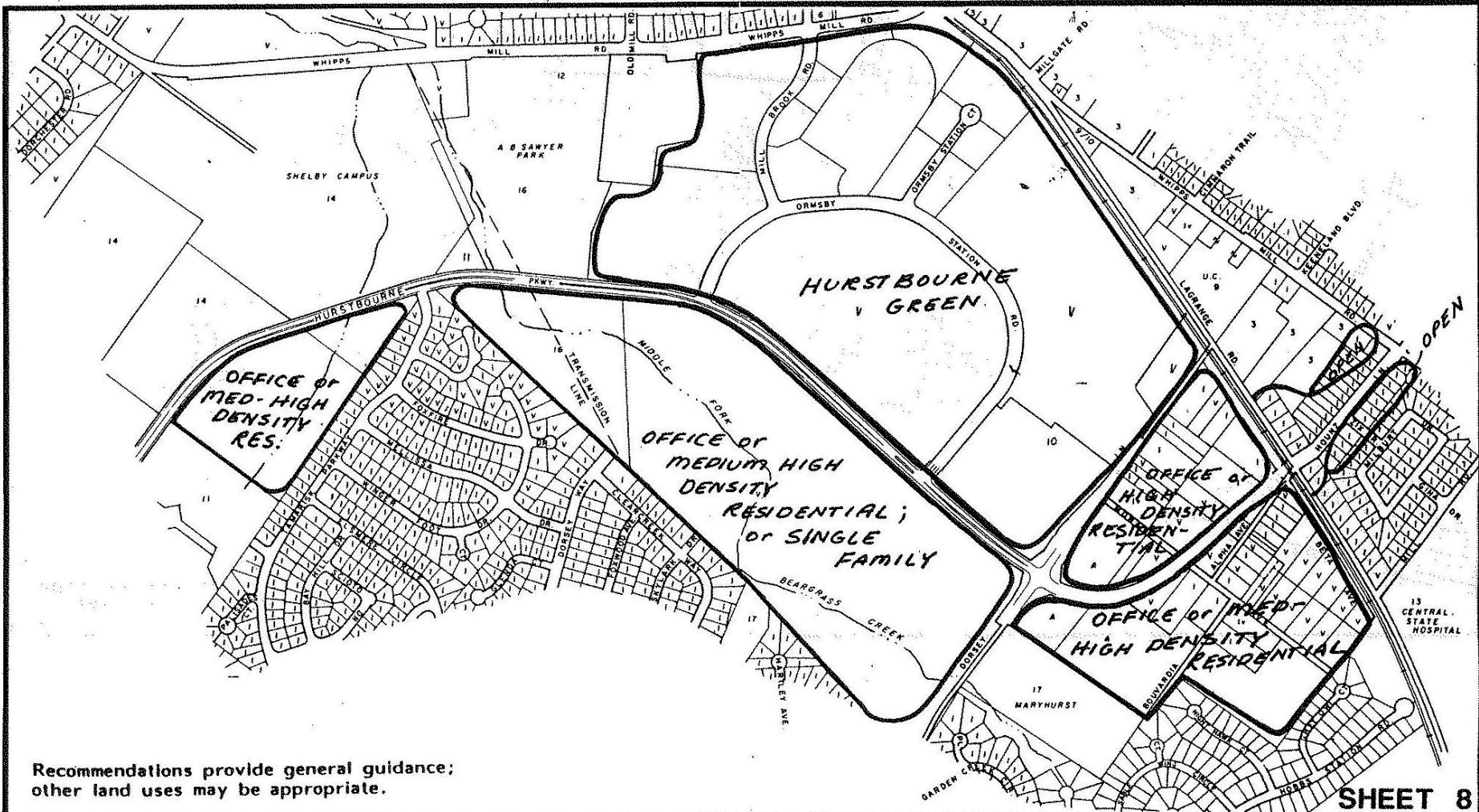
Finally, the generous hospitality of the Paragon Group is gratefully acknowledged, for providing a meeting place and refreshments for the many Task Force meetings. The City of Jeffersontown, Jefferson County and the Jefferson County Board of Education provided meeting rooms for the public meetings.

*Members who began serving when Task Force was reconvened in the Fall of 1991.

Hurstbourne Corridor Study

June, 1992

Louisville and Jefferson County Planning Commission
Environmental and Community Development Department



Recommendations provide general guidance;
 other land uses may be appropriate.

SHEET 8

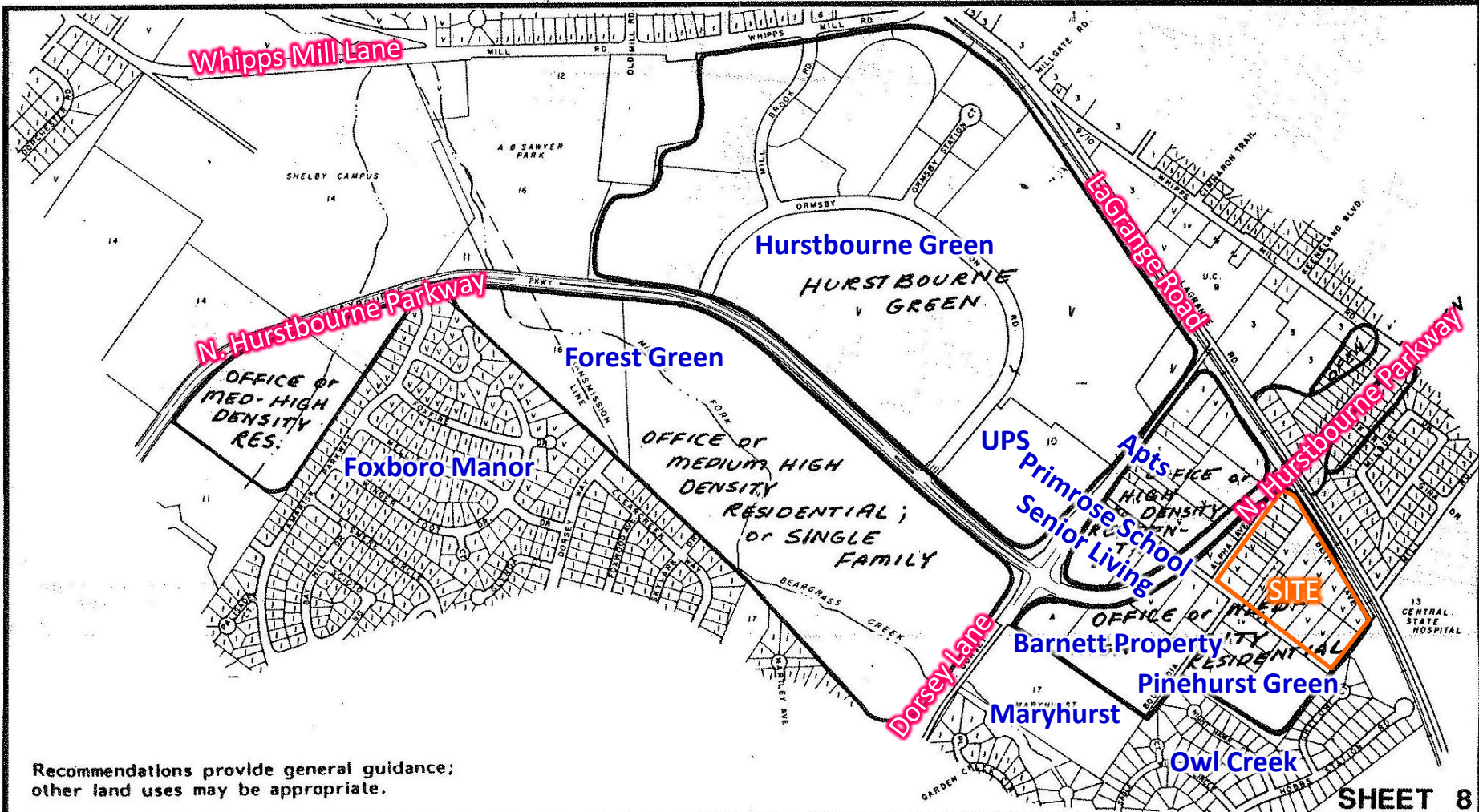


HURSTBOURNE CORRIDOR
 Louisville and Jefferson County
 Planning Commission

MAP 2 - LAND USE RECOMMENDATIONS

APPROXIMATE SCALE:
 1" = 550 feet ±





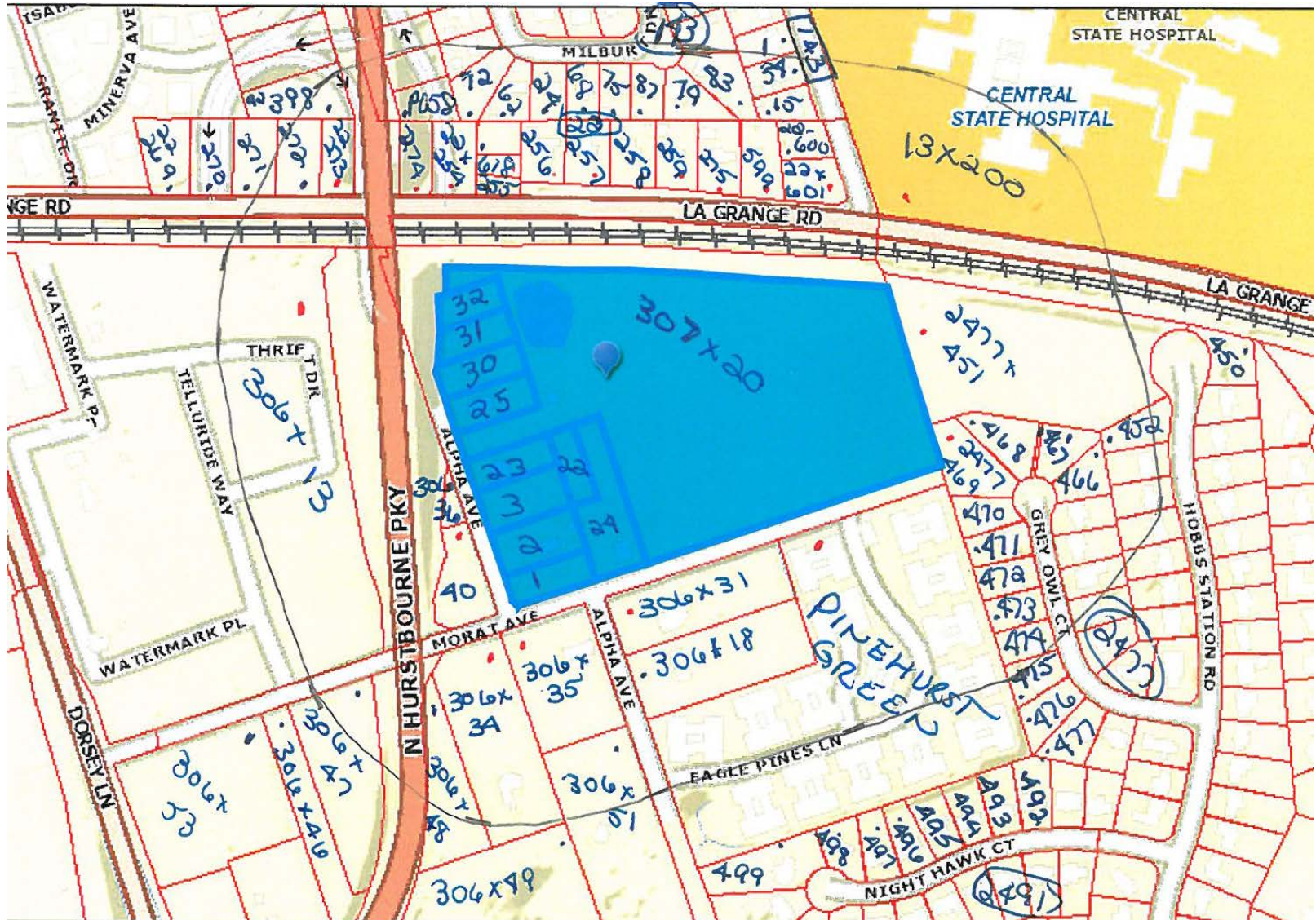
Recommendations provide general guidance;
other land uses may be appropriate.



Tab 4

Neighborhood Meeting notice list map and letter to neighbors inviting them to the meeting (there were multiple Owl Creek and Pinehurst meetings before and after)

Adjoining property owner notice list map wherein 106 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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William B. Bardenwerper
Direct dial: 426-0388, ext. 135
Email: WBB@BARDLAW.NET

May 2, 2017

Dear Neighbor,

RE: Proposed change in zoning from R-4 to R-6 to allow a 244-unit residential gated and fenced community on approximately 14 acres on property located at the northeast quadrant of Morat Avenue and Alpha Avenue at 1402, 1501, 1509, 1603, 1605, 1607 & 1701 Alpha Avenue and 1515 Morat Avenue

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a 244-unit residential gated and fenced community to be located as above.

Accordingly, a plan for pre-application review has been filed yesterday with the Division of Planning and Design Services (DPDS) that is assigned case number 17ZONE1020. A case manager will also be assigned and we will have that information at the neighbor meeting. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, May 23rd at 7:00 p.m.** at the **Building Industry Association of Greater Louisville building (lower level)** located at **1000 N. Hurstbourne Pkwy.** *Please use the rear entrance door then go down the steps to the right to meeting room.*

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representatives David Mindel at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Susan Barto, Mayor, City of Lyndon
Hon. Marilyn Parker, Councilman, District 18
Brian Davis, Planning Supervisor with Metro Division of Planning & Design Services
Sara Johnson, Senior Development Director, Continental Properties Company, Inc.
David Mindel, engineer and land planners with Mindel, Scott & Associates, Inc.

Tab 5
Detailed District Development Plan

PROJECT OVERVIEW

- Upscale, market rate community
- 244 units with a mix of studio, 1-, 2-, and 3-bedrooms
- Two-story apartment structures with direct, ground level access to all units
- Site amenities include:
 - Fenced and gated community
 - Clubhouse with resort-style pool
 - 24-hour tenant fitness center
 - Attached and detached garage options
 - Pet playground and pet spa
 - Car wash
 - Common courtyards and picnic areas



LA GRANGE RD. VARIABLE ROW

CSX RAIL ROAD

6' FENCE ALONG PERIMETER

MAINTENANCE AND CAR CARE CENTER BUILDING

6-BAY DETACHED GARAGE

ENCLOSED YARD

6' FENCE ALONG PERIMETER

ENCLOSED YARD

6' FENCE ALONG PERIMETER

PER PLAYGROUND 15,470 SF

PROPERTY
14.03 ACRES ±
DETENTION
95 ACRES ±

ENCLOSED YARDS

6' FENCE ALONG PERIMETER ENDS HERE

5' DECORATIVE FENCE ALONG PERIMETER

N HURSTBOURNE PKY.
VARIABLE ROW

6-BAY DETACHED GARAGE WITH STORAGE LOCKERS

6' DECORATIVE SCREEN FENCE

ENCLOSED YARDS

HEDGE LANDSCAPE SCREENING

6' DECORATIVE SCREEN FENCE

6-BAY DETACHED TRUCK GARAGE

VEHICULAR GATE

POOL

FLAGPOLES

CLUBHOUSE

5' DECORATIVE FENCE ALONG PERIMETER

PROPOSED FULL ACCESS POINT

PROPOSED RIGHT TURN DECELERATION LANE

PROPOSED 30' MEDIAN CUT

ALPHA AVENUE 40' ROW

MORAT AVENUE 40' ROW

ALPHA AVENUE 40' ROW

ENCLOSED YARDS

TRASH COMPACTOR

EMERGENCY EXIT GATE

EMERGENCY ACCESS ONLY

EMERGENCY ACCESS ONLY SIGN

HEDGE LANDSCAPE SCREENING

5' DECORATIVE FENCE ALONG PERIMETER

MAIL KIOSK

PICNIC AREA

ENTRANCE SIGN
6' HT X 12' LONG

EXISTING
PATIO-HOME
DEVELOPMENT

Tab 6

Building Elevations

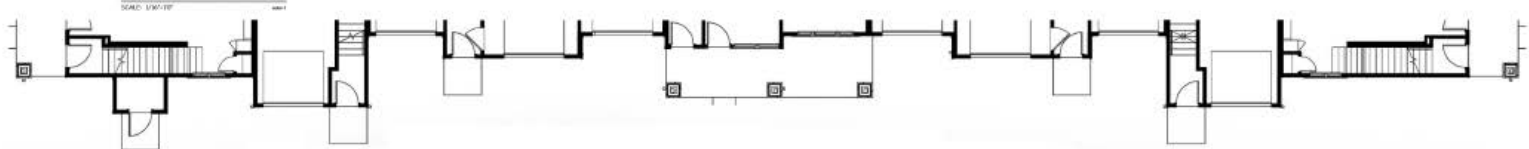


ELEVATIONS

- High quality exteriors:
 - Quality upgraded exterior materials include durable HardiePlank lap siding, HardiePanel vertical siding, and brick masonry
 - Articulation creates architectural interest
 - Exterior balconies, porches, and patios



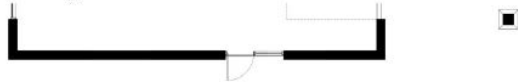
Front Elevation
SCALE: 1/8"=1'-0"



ELEVATIONS



Right Side Elevation



INTERIOR UNIT PHOTOS



CLUBHOUSE PHOTOS

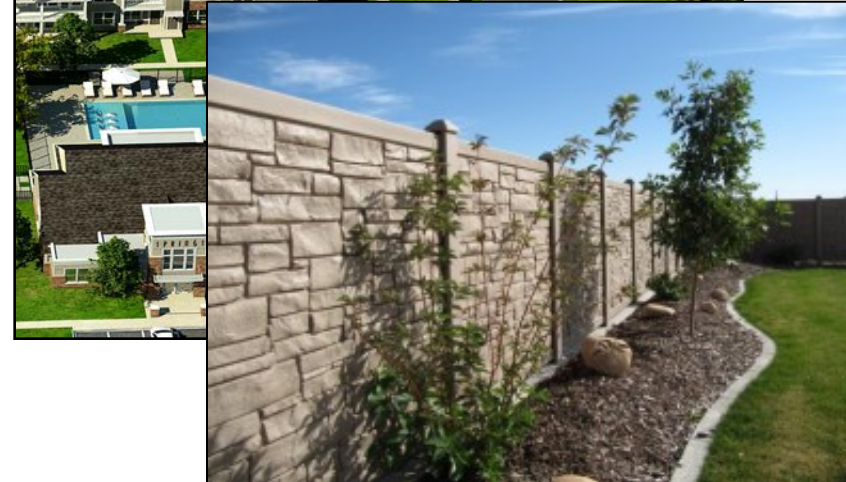


Tab 7

Screening & Fencing

SCREENING

- Privacy fence to be built along southern and eastern boundaries of site
- Requested by both Pinehurst Green and Owl Creek representatives
- 6' screen fence
- Landscaping surrounding fence will be maintained by Springs® staff



Screening Wall



FENCING



Tab 8
Traffic Impact Study (TIS) results

TRAFFIC CONDITIONS

Approach	A.M.				P.M.			2020 Build Rt Out only
	2017 Existing	2020 No Build	2020 Build	2020 Build Rt out	2017 Existing	2020 No Build	2020 Build	
Hurstbourne Parkway at Dorsey Lane avg at intersection	D 37.2	D 38.2	D 38.4		F 149.1	E 76.1	E 79.5	
Hurstbourne Parkway at Dorsey traffic signal North / Eastbound	C 30.4	C 33.3	C 33.9		F 221.3	F 80.1	D 53.8	
Hurstbourne Parkway at Dorsey traffic signal South / Westbound	C 24.9	C 26.8	C 27.6		F 146.1	E 66.9	F 102.6	
Dorsey Lane toward UPS	E 55.8	E 54.6	D 54.3		D 52.8	E 78.5	F 94.6	
Dorsey Lane toward Shelbyville Road	E 68.3	E 68.0	E 68.0		E 71.9	F 82.3	F 85.8	

TRAFFIC CONDITIONS

	A.M.				P.M.			
Approach	2017 Existing	2020 No Build	2020 Build	2020 Build Rt out	2017 Existing	2020 No Build	2020 Build	2020 Build Rt Out <u>only</u>
Morat Avenue Westbound	C 16.8	C 17.3	C 20.0	B 11.5	C 24.5	D 26.6	F 53.8	C 21.6
Hurstbourne Southbound Parkway (left)	A 8.8	A 8.8	A 8.9	A 8.9	C 19.5	C 21.2	C 20.2	C 17.8

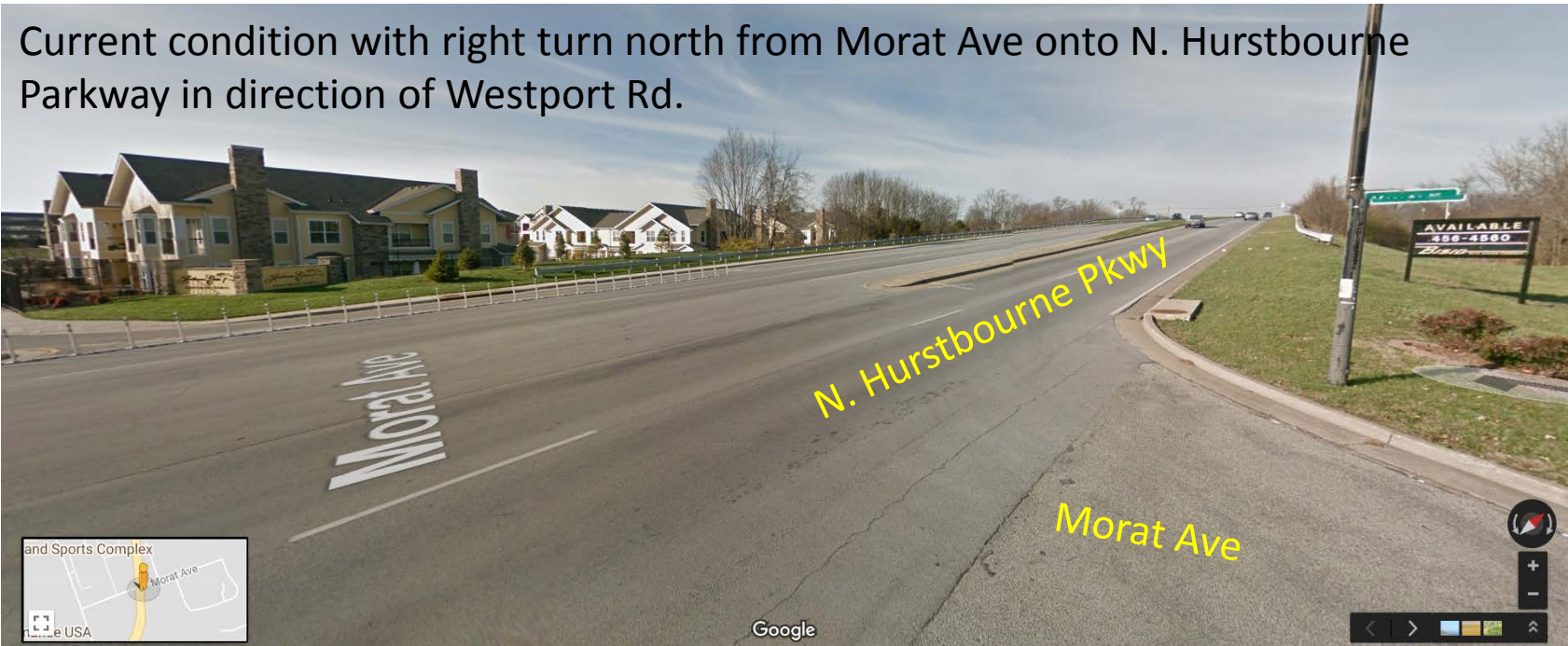
Tab 9

Possible J-turn median/no left turn traffic control device with resulting alternate turning options

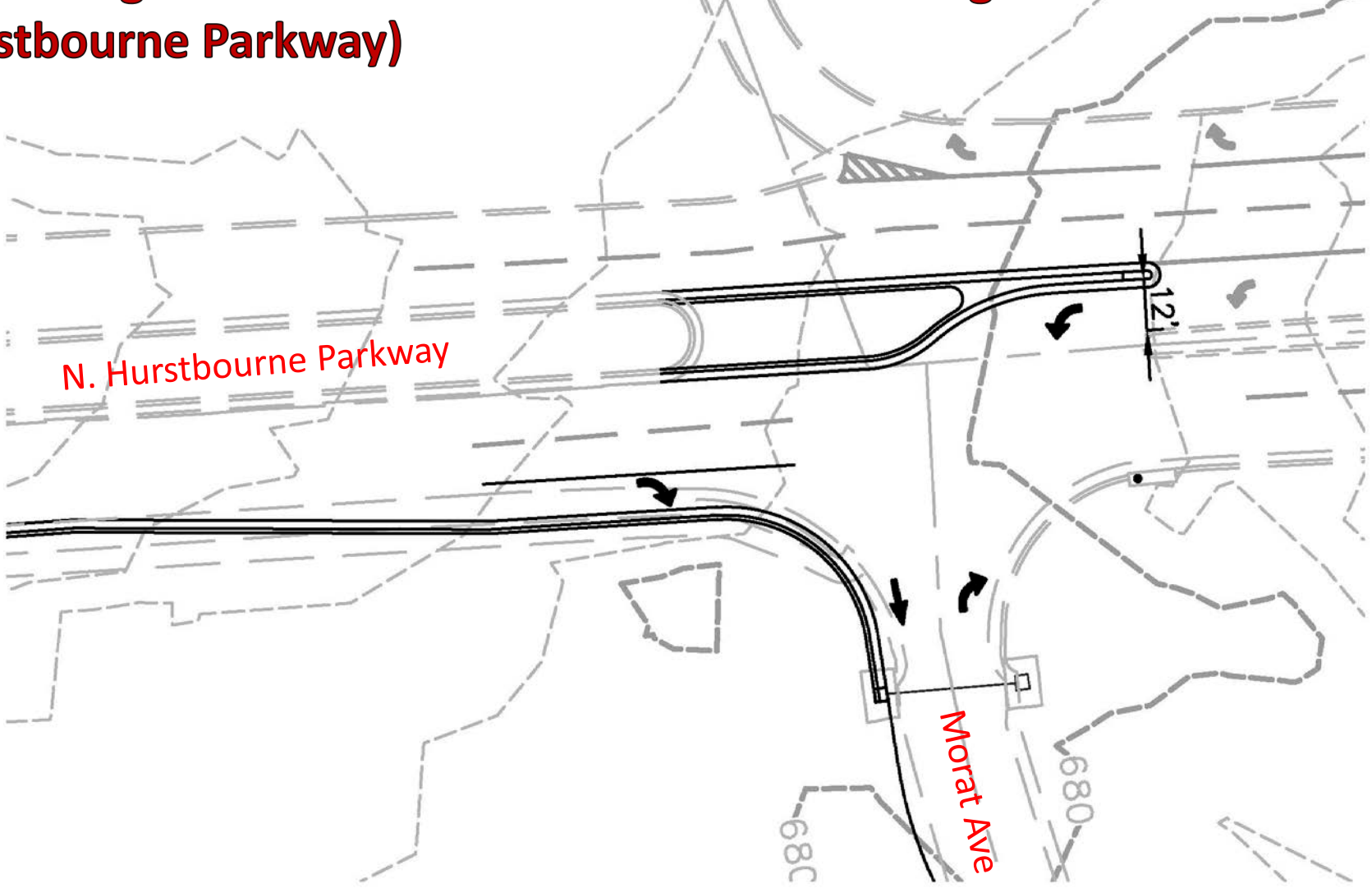
Current condition with unobstructed left turn south from Morat Ave onto N. Hurstbourne Parkway in direction of Dorsey Ln.



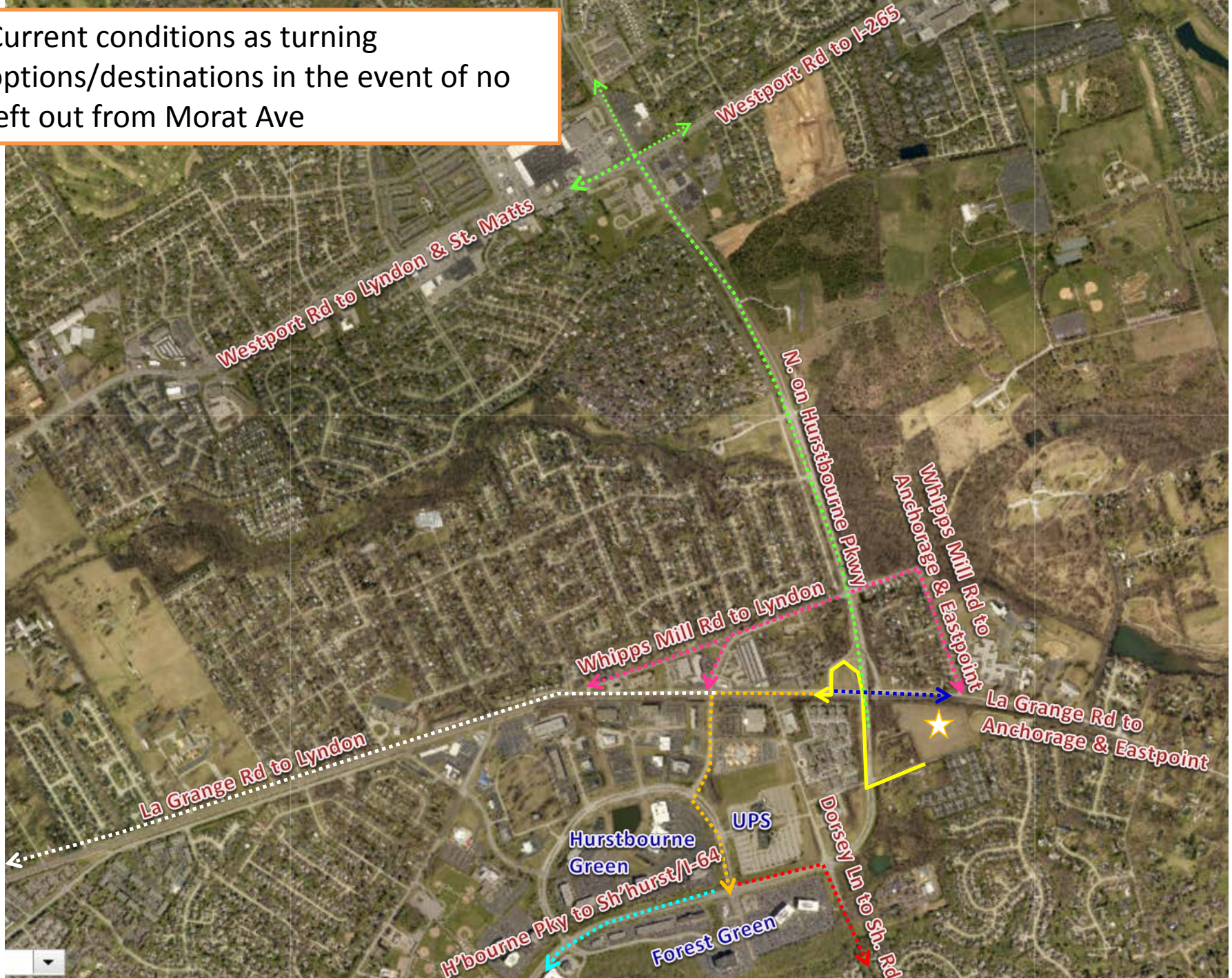
Current condition with right turn north from Morat Ave onto N. Hurstbourne Parkway in direction of Westport Rd.



Proposed J-turn median no left turn traffic control device (which includes a northbound decel lane for right turns onto Morat Ave and continuing unobstructed left turns in from and right turns out onto N. Hurstbourne Parkway)



Current conditions as turning options/destinations in the event of no left out from Morat Ave



Current condition with left turn off N. Hurstbourne Pkwy to La Grange Rd as alternate means of heading south in the event of the no left turn traffic control device.



Current condition with left turn off N. Hurstbourne Pkwy to Whipps Mill Rd as alternate means of heading south in the event of the no left turn traffic control device.



Current condition allowing possible U-Turn at Headly Hill Rd as alternate means of heading south in the event of the no left turn traffic control device.



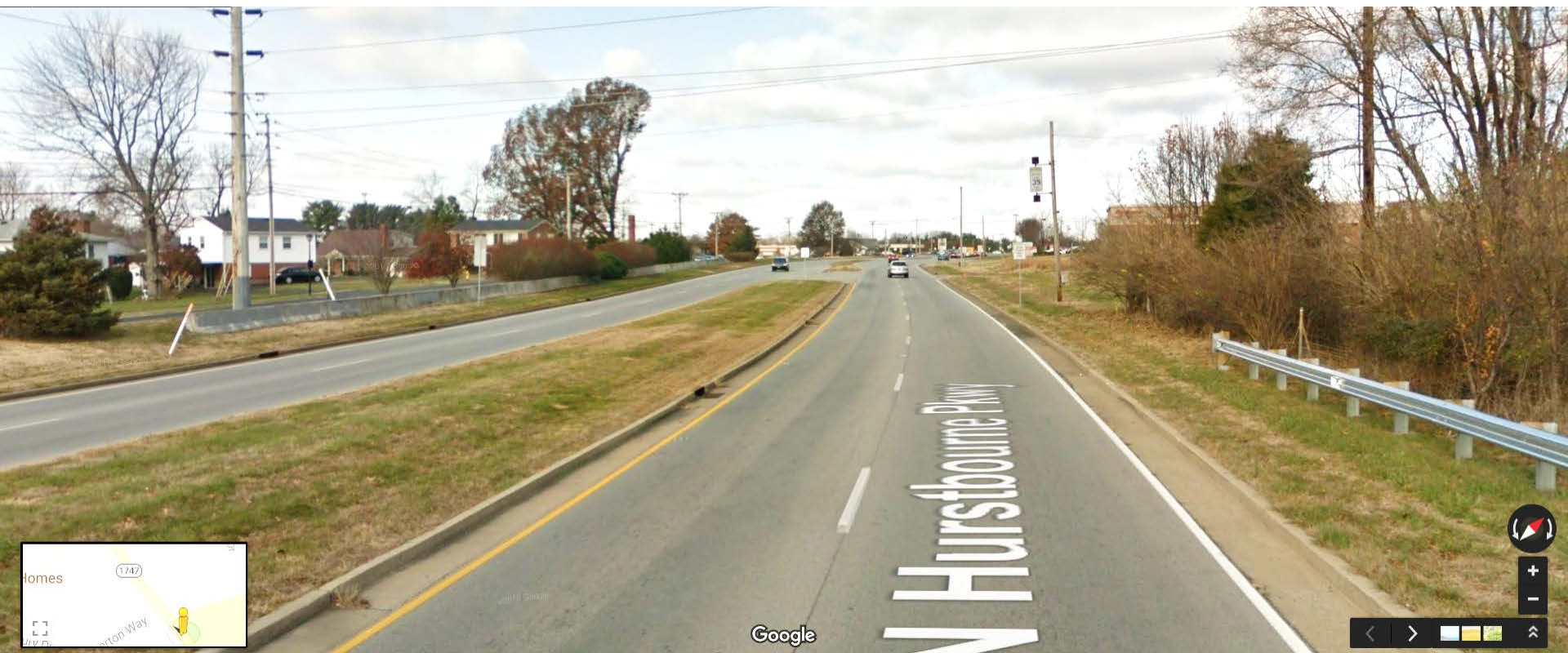
Current condition allowing possible U-Turn at Hounz Lane Park as alternate means of heading south in the event of the no left turn traffic control device.



Current condition allowing another possible U-Turn across from Sawyer Park airfield as alternate means of heading south in the event of the no left turn traffic control device.



Current condition allowing another possible U-Turn across from Sawyer Shops as alternate means of heading south in the event of the no left turn traffic control device.



Tab 10

Proposed additional Binding Elements

PROPOSED ADDITIONAL BINDING ELEMENTS

In addition to Continental no longer seeking a waiver for its freestanding identification sign, and thereby abiding by the Land Development Code (LDC) with respect to it, Continental agrees to these additional Binding Elements:

1. The freestanding and any attached apartment community identification signage shall not be back-lit but rather shall be lighted only by exterior down-lit fixtures.
2. Continental shall fund and/or construct at its expense a restricted left-out traffic control device from Morat Avenue onto Hurstbourne Parkway, as shown on the drawing produced at the 9/21/17 Public Hearing, to the extent that public officials and the Pinehurst Green Board agree prior to issuance of the last certificate of occupancy for an apartment building that Continental shall fund and/or construct that traffic control device. To the extent that, by that date, a decision is not made, or no decision is made, for Continental to fund and/or construct the no-left turn device, Continental shall be released from any continuing obligation to fund and/or construct such device.
3. A 6 foot high Simtek wall with enhanced landscaping, as shown on the imagery produced at the 9/21/17 public hearing, shall be installed along the east and portion of the south property lines where depicted on the Detailed District Development Plan.
4. Continental shall work with KTC to reinstall the “hidden driveway” signage where presently missing.
5. Parking lot lighting shall be fully-shielded lights with no light spillover onto adjoining properties.
6. Construction traffic shall be limited to Alpha Ave and that portion of Morat Avenue between Alpha Ave and Hurstbourne Pkwy.

Tab 11

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Continental Properties, Inc.

Owner: Darrell V. Metcalf, Manuel A. Tapia, John & Holly Bartlett, Mary Rose Allgeier Trust, and Edward and Mary Rose Allgeier

Location: 1402, 1701, 1607, 1605, 1603, 1509, 1501 Alpha Ave and 1515 Morat Ave

Proposed Use: Multi-family residential community

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates

Requests: Change in Zoning from R-4 to R-6

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on September 21, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

GUIDELINE - 1 COMMUNITY FORM

WHEREAS, the applicant, Continental Properties, ("Continental"), proposes an apartment community consisting of 1, 2 and 3 bedroom buildings with a total of 244 units on 14.27 +/- acres along Morat and Alpha Avenues, about 200 feet off N. Hurstbourne Parkway across from another apartment community accessed off Morat Avenue and Dorsey Lane; and

WHEREAS, the subject property includes 11 lots, several of which are customary small single family home size, although the structures are not new or notable; the largest portion of the property was long a sod farm, so the entire site is easily/affordably developable; it lies within the Neighborhood Form District and is located just north of a multi-family zoned condominium patio home community and a few remaining single family residences with access on Alpha and Morat Avenues; the subject property is located a very short distance from several large office parks, notably Hurstbourne Green, Forest Green and Shelbyhurst, thereby making it attractive to people who want to live close to work, as it provides opportunities for this anticipated community of residents to gain quick and easy access to a place they are already largely traveling to and from, which is one of the Metro area's largest office workplaces; and with opportunities for shopping and dining along Hurstbourne Parkway and Shelbyville and Westport Roads, this is among the recent excellent locations proposed for a new, attractive apartment housing choice for residents who desire to live within short commutes; and

WHEREAS, the applicant’s apartment community contains 11 apartment buildings, some with internal and some with detached garages; there is also surface parking; and

WHEREAS, gross density will be high density range, but that is appropriate along an arterial highway and actually called for in the Hurstbourne Corridor Study, which is the foundational document for just about everything developed along or in the vicinity of Hurstbourne Parkway; it is near other major arterials (Shelbyville and Westport Roads) and within a short drive to major employment centers; buildings will be constructed of attractive durable building materials (brick and “hardy plank” lap siding) and will feature high-end architectural details, as shown in the PowerPoint presentation shown at the public hearing; and

WHEREAS, perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident activities along the east and partial south property lines with an attractive opaque wall (also as shown in the PowerPoint presentation accompanying this application) and new tree plantings both inside and outside that wall and the proposed black brushed aluminum security fencing along other portions of the perimeter of the property, the north side being the railroad track; and

GUIDELINE – 2 CENTERS

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 4, 5, 7, 11, 12, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of easily developable, available property that lies within the Neighborhood Form District and is located, as said, just off a major arterial near major workplaces and significant shopping opportunities; Hurstbourne Parkway carries significant volumes of commuters to and from home and work in the above-mentioned significant workplace/retail served area; being located where it is, residents seeking new housing options will have easy access to the referenced workplaces, plus the commercial centers as referenced nearby; and internal open space focal points, such as clubhouse and pool, are included on the detailed district development plan (DDDP) accompanying this application; and

GUIDELINE – 3 COMPATIBILITY

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed apartment community is in a density range and design comparable to others located along arterial roads (such as Hurstbourne Parkway) and within close proximity to major workplaces (such as Hurstbourne Green, Forest Green and Shelbyhurst) located nearby; buildings will be 2 stories in height (except for the 1-story clubhouse) and constructed with attractive building materials comparable to residential communities in the area, as shown on the elevations in the PowerPoint accompanying this application; perimeter landscaping, screening and buffering will be provided and/or retained along all property lines, as described above, which include attractive black brushed aluminum security fencing along some of the perimeter and attractive, nicely landscaped opaque wall adjoining the Owl Creek Community Association outdoor recreation area and the Pinehurst Green condominium community, whose owners requested this type screening; and buildings are situated and located interior to the site, mostly surrounded by parking, detached garages, detention, and roads and railroad track within the referenced fencing, so as not to disrupt lower intensity adjoiners; and

WHEREAS, sidewalks are provided where required or desired, and accommodations are made for pedestrian and bicycle transportation as well as the handicapped and elderly; odors won't exist as in commercial and industrial developments, and air quality concerns related to traffic congestion or delay will be greatly mitigated by the fact that this is a residential apartment community purposely located where it is so as to reduce commuting distances; refuse will be picked up on a regular basis; lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations; and all signage will be in conformance with LDC regulations; and

**GUIDELINES – 4 and 5 OPEN SPACE / NATURAL AREAS AND SCENIC AND
HISTORIC RESOURCES**

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature open space interspersed among the buildings, parking areas and streets; that open space will be available for both passive and active recreational enjoyment by residents and will include a pool, clubhouse and small seating and other gathering areas throughout for an overall positive appearance and living experience for the community; landscaping will also be provided and/or trees retained along property perimeters, along street frontages and around buildings; setbacks and buffers along property lines will ensure good transitions between the proposed apartment community and other adjoining and nearby existing land uses; maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this rental community; this maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision; and no known natural or historic resources will be disturbed; and

GUIDELINE – 6 MARKETPLACE

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 4 and 6 of Guideline 6 because, as noted above, residents will largely be those who, because of this proposed apartment community, will be able to reside near work and thus strengthen the live-work relationship which is important to the continuing ability of the larger metro area to function; it will also support and be supported by the businesses, services, schools and churches in and around the already established nearly built-out activity center around the Hurstbourne Green, Forest Green and Shelbyhurst; and this proposal also reduces public costs for land development by utilizing and improving the capacity of the Hurstbourne Parkway arterial and Morat/Alpha Avenue Lyndon city streets that already exist along this property's frontages, with easy connections to existing infrastructure for water, sewer, electric and phone services; and

**GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and
9 (BICYCLE, PEDESTRIAN AND TRANSIT)**

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 17, and 18 of Guidelines 7; Policies 3, 4, 5, 6, 9, 10, and 11 of Guideline 8 and Policies 1, 2, 3, and 4 of Guideline 9 because the proposed DDDP has been designed in conformance with all Metro Public Works and Transportation Planning design standards; good internal circulation, appropriate dual access to Morat and Alpha Avenues, corner clearances and parking are provided; access to Hurstbourne Parkway is easy

enough in terms of right turns-in and right turns-out, and even left turns-in are not problematic; left turns-out do present a current challenge; however, plans and binding elements are included in the PowerPoint presentation accompanying this application to address that, either by cutting back the Hurstbourne Parkway median to provide more left-turn out stacking while navigating this turn or by constructing a no left turn traffic control device funded by the applicant; also the Diane Zimmerman-prepared Traffic Impact Study (TIS) further evidences the fact that this apartment community of this size and traffic generation/distribution at this location will technically work; and the DDDP and TIS accompanying this application received Metro Transportation Planning's preliminary approval prior to office public review; and sidewalks are provided where required; and

GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY and AIR QUALITY

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal catch basins and then to sufficiently sized detention basin, and from there to existing drainage channels and pipes; in these ways the DDDP complies with all MSD storm water management requirements as respects no increase in peak rates of run-off post verse pre-development; this DDDP must, of course, received the preliminary stamped of approval by MSD prior to docketing for public review; Louisville Water Company will provide water to the site; a soil erosion and sediment control plan will also be implemented to control sediment and erosion drainage during construction; MSD water quality regulatory requirements will also be addressed at construction stage; and air quality, perhaps most importantly of all, is addressed by virtue of the referenced shorter commuting distances explained hereinabove; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above as respects the black brushed aluminum security fence and attractive, landscaped opaque wall, and because landscaping will be provided and/or trees retained around buildings, and property perimeter; open space is provided as described hereinabove and shown on the DDDP for a positive natural appearance and for passive recreational enjoyment by residents; and the tree canopy requirements are met; and

GUIDELINE 14 – INFRASTRUCTURE

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure; 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 Guidelines and Policies of the Cornerstone 2020 Comprehensive 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 10.3.5 to allow a reduction of the Hurstbourne Parkway, Parkway Buffer, due to the extra width of the right-of-way and the elevated roadway

WHEREAS, the waiver will not adversely affect adjacent property owners because this is in a very limited area along Hurstbourne Parkway where the subject property sits much lower than Hurstbourne Parkway where the road is elevated to accommodate a railroad underpass; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it has very little shared frontage along Hurstbourne Parkway, only in the area noted above; 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 it would be required to set back to its developable area where that set back benefits absolutely no one; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

WAIVER FINDINGS OF FACT

Waiver of Section 6.2.6 to omit sidewalks along the Hurstbourne Parkway frontage, along a portion of Morat Ave., and on Alpha Ave. north of the proposed development entrance

WHEREAS, the waiver will not adversely affect adjacent property owners because there are none that would utilize sidewalks in these very limited areas; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it will build partial sidewalks along Morat and Alpha Avenue to the points of entry but not beyond where the sidewalk would not be utilized by anyone; 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 it would be building sidewalks in areas where there is really no practical possibility of use; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

VARIANCE FINDINGS OF FACT

Variance of Section 4.4.3 to allow a fence greater than 4 ft in height to be located in the Morat Ave street side yard and Hurstbourne Parkway and Alpha Avenue front yards.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because at these locations the fence/wall heights are for security and aesthetics purposes and will not cause disruptions to traffic visibility or any other identifiable public safety issues; and

WHEREAS, the variance will not alter the essential character of the general vicinity because along Morat Avenue, the screening wall has been interposed per request of the adjoining Pinehurst Patio Home community which feels that the fencing helps to mitigate any perceived nuisance problems and which also feels as though the fence is in keeping with the larger contextual design of the area; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because along neither of these roads will the wall or fence obstruct the views from vehicles along or around corners or at intersections or entrances; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations but rather the fences and walls are intended for security purposes and are intended to address neighbor security, nuisance and aesthetic issues; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because Alpha Avenue is a street that practically only serves the subject property on its one (east) side, whereas Morat Avenue separate the proposed apartment community from a patio home community, and its only purpose, where the screening wall is proposed, is to provide secondary emergency access to the apartment site and primary access to the patio home community, given that Morat Avenue terminates short of the east sides of these two properties; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would not be able to provide the security fencing and impact mitigation screening wall that neighbors desire and that will provide for a more secure living environment within the apartment community itself; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are the result of security and aesthetic issues that both the applicant and adjoining Pinehurst Patio Home and other adjoining residents share in common; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Variance.