

Louisville Metro Planning Commission Public Hearing – October 1, 2020

Louisville Metro Land Development & Transportation Committee – September 10, 2020

Neighborhood Meetings – January 4, 2017 and March 11, 2019

Docket No. 19ZONE1016

Proposed change in zoning from R-4
to R-5B to allow two duplex
condominium buildings on property
located at
2813 & 2816 Weissinger Road

c/o LeighAnn Properties, LLC

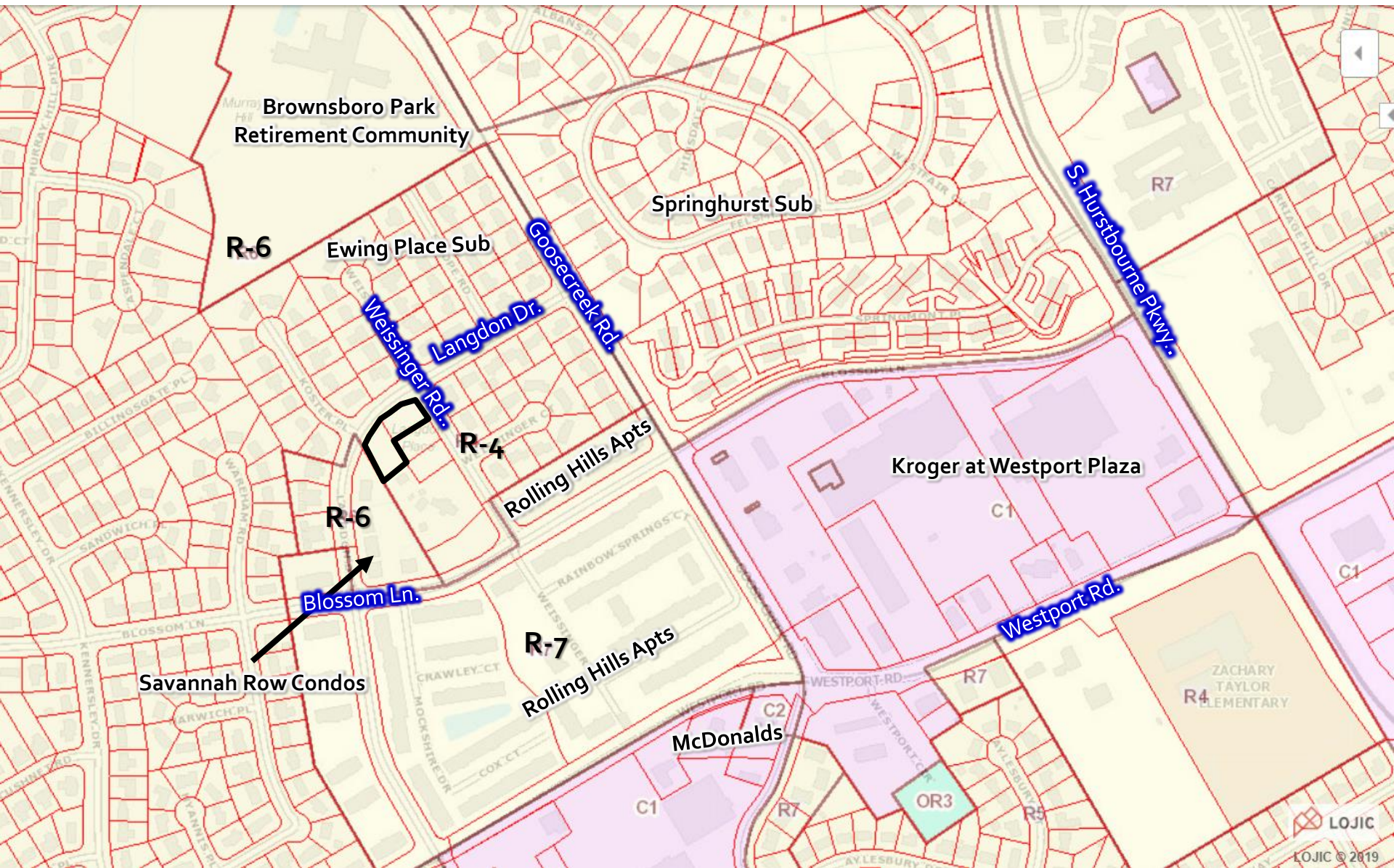
Attorneys: Bardenwerper Talbott & Roberts, PLLC

Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building Elevations
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan
8. Proposed Findings of Fact pertaining to compliance with the 2040 Plan



Tab 1 LOJIC Zoning Map



Brownsboro Park Retirement Community

Springhurst Sub

R-6

Ewing Place Sub

Goosecreek Rd.

Weissinger Rd.

Langdon Dr.

S. Hurstbourne Pkwy.

R-4

Rolling Hills Apts

Kroger at Westport Plaza

R-6

Blossom Ln.

Westport Rd.

Savannah Row Condos

R-7

Rolling Hills Apts

McDonalds

ZACHARY TAYLOR ELEMENTARY

Tab 2
Aerial photograph of the site and
surrounding area



Street Gra

Springhurst Sub.

Ewing Place Sub.

Goosecreek Rd.

Langdon Dr.

Site

Weisinger Rd.

Rolling Hills Apts

Westport Plaza

Savannah Row
Condos

19ZONE1017

Blossom Ln.

Rolling Hills Apts

Westport Rd.



Site

19ZONE1017

R-6

R-7

KOSTER PL

WEISSINGER RD

WEISSINGER CT

LANGDON DR

Tab 3
Ground level photographs of the site
and surrounding area

SITE



Rolling Hills Apts

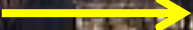
Blossom Ln.

Looking west down Blossom Lane



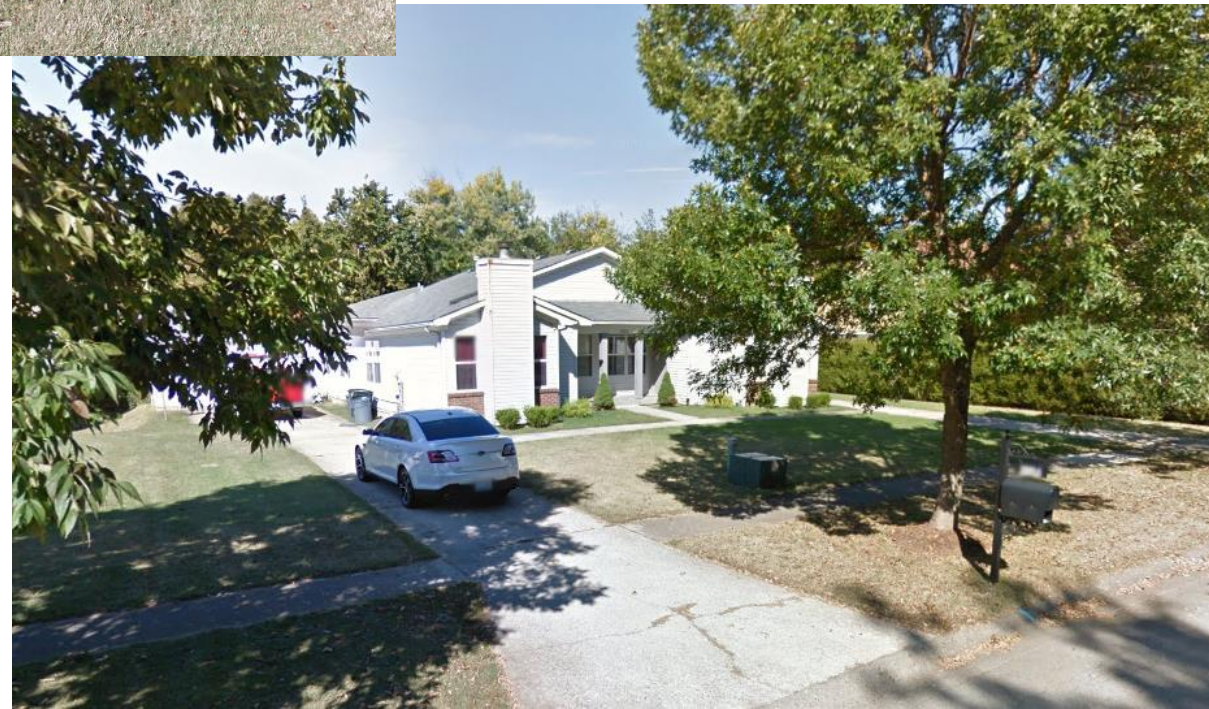
Duplexes

SITE



West side of Langdon Drive

Duplexes on the west side of Langdon Drive





SITE



Savannah Row Condos immediately adjacent to site to the west



SITE

2813 & 2816 Weissinger Rd. – north side along Langdon Drive



Looking southwest at site from Weissinger Rd. and Langdon Dr.

2866 Weissinger Rd

Louisville, Kentucky

Street View - Sep 2015

SITE

Google



Looking west at site from Weissinger Rd.

Tab 4

Neighborhood Meeting notice list
map, letter to neighbors inviting them
to the meeting and summary of
meeting

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Nicholas R. Pregliasco
Direct dial: 426-0388, ext. 139
Email: NRP@BARDLAW.NET

February 25, 2019

Re: Proposed zone change from R-4 to R-5A to allow a 2-story, 6-plex condominium community on approximately 0.52 acres on property located at the northwest corner of the Weissinger Road and Blossom Lane intersection; and a zone change from R-4 to R-5B to allow two duplex condominium buildings on approximately 0.3 acres on property located at 2813 and 2816 Weissinger Road

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with two different rezoning plans as referenced above.

Accordingly, we have filed both plans for pre-application review with the Division of Planning and Design Services (DPDS) that have been assigned case numbers 19ZONE1016 and 19ZONE1017. We will have the name of the case managers assigned to each rezoning case at the neighbor meeting. These are the same properties previously proposed for duplexes at the beginning of 2017 in case number 16ZONE1088, excluding 2814 Weissinger Road which has been removed. However, the 2813 and 2816 Weissinger Road portion of the prior proposal has been changed to two duplexes from the previously proposed 10 condominium units, thereby reducing the potential impacts.

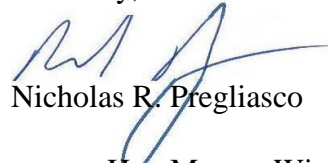
We would like to show and explain to neighbors these plans so that we might hear what thoughts, issues and concerns that you may have.

In that regard, a meeting to discuss both plans will be held on **March 11th at 7:00 p.m. at John Knox Presbyterian Church**, located at **9104 Westport Road**, in the **Fellowship Hall**.

If you cannot attend the meeting but have questions or concerns, please contact me at 426-6688.

We look forward to seeing you.

Sincerely,



Nicholas R. Pregliasco

c: Hon Marcus Winkler, Councilman, District 17
Hon. Mike Frank, Mayor, City of Langdon Place
Brian Davis, Planning Supervisor with the Division of Planning & Design Services
Brent Likins, Applicant with Leigh Ann Properties, LLC

Neighborhood Meeting Summary

A neighborhood meeting was held on March 11th at 7:00 p.m. at John Knox Presbyterian Church, located at 9104 Westport Road, in the Fellowship Hall. The applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts showed a new powerpoint presentation of what is proposed for the sites.

Nick explained the differences in what was proposed more than a year prior when he and the applicant/engineer Brent Likins presented their plans to the neighbors on January 4, 2017. First, Nick showed the full presentation, as while it appeared as though all in attendance were at the prior meeting, he showed everything both as a refresher and to make sure there weren't any in attendance that were hearing about this proposal for the first time. Nick showed the lot that was removed from what was proposed before making the entire proposal smaller, but also explained the elimination of 6 total proposed units on the portion along Langdon Drive. He showed the changes from the then proposed 6-plex and 4-plex to two duplex buildings and the other changes that this change making the development smaller would have. Nick explained that what is being proposed now is of even less density and the zoning district being proposed, R-5A, is less than many in the immediate area. He explained the reason for the change in the prior proposal of R-6 zoning to R-5A. Nick then explained the process of a proposed rezoning and all of the steps along the way. A neighbor put together handouts, along with a petition for a night hearing and passed these out and had them at the rear on a table. The handouts also contained the DPDS timeline information sheet.

Nick then turned it over for questions and attempted to call on persons to answer all questions. Many of the questions related to traffic, density, change of a current natural condition, and visual impacts. Nick explained the process of a request for a night public hearing and to have the hearing in the area. Nick explained that both he and the applicant did not have any objection to doing so.

Nick then explained and answered many questions about the changes from the prior plan and the elimination of units. Many of those in attendance had questions about the portion that was eliminated from the prior proposal. Nick explained that the applicant sold a lot to a third party and they were in the process of building a home on the lot sold. Many took issue with length of time that it has taken the new owner to construct the home, along with a host of other issues with the construction. Nick explained that the applicant no longer owned the lot and was not in any way involved in the construction taking place on the lot.

Many objections to proposed additional traffic the new proposed units would create were voiced, along with the proposed access point along Blossom Lane. Nick explained that the location of the access off of Weissinger Road is the only location that realistically an access would be permitted and the reason the proposed access is shown where it is was a result of Transportation Planning rules as to lining up with the access across Weissinger Road. Many concerns over children waiting for school buses on Weissinger were voiced.

Those in attendance took issue with the applicant's removal of some minor trees and underbrush along Langdon Drive. Nick explained that this work was completed due to trees that fell during a bad storm and the underbrush were weed trees/non-native trees and or unhealthy shrubs. Many stated that the applicant violated the prior proposal by removing these shrubs and damaged trees. Nick explained that because no application was ever filed, there was no binding element as to the protection of the trees and shrubs, but that the applicant did so to clean up the property that had not been maintained for year.

Many voiced concerns over the fact that this property is in a residential single family neighborhood and that multifamily does not belong. Nick explained the fact that the duplexes, as shown on the elevations presented would be brick homes not unlike the residential subdivision, except for a shared party wall.

Nick answered questions on drainage and the screening and buffering that would be provided as there were many concerns over this as well.



Tab 5 Development Plan



Site

Barn

Springhouse

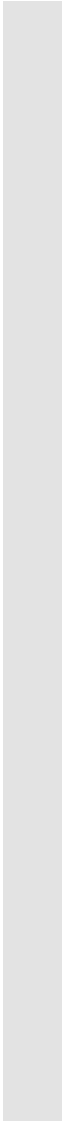

19ZONE1017

KOSTER PL

WEISSINGER RD

WEISSINGER CT

LANGDON DR



Tab 6 Building Elevations







Tab 7

Statement of Compliance filed
with the original zone change
application with all applicable
Goals of the 2040 Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	Leigh Ann Properties, LLC
<u>Location:</u>	2813, 2814 & 2816 Weissinger Road
<u>Proposed Use:</u>	Multi-family community & single-family residential
<u>Engineers, Land Planners and Landscape Architects:</u>	CBL Construction Company, LLC
<u>Requests:</u>	Change in Zoning from R-4 to R-5A & R-6

GUIDELINE - 1 COMMUNITY FORM

Leigh Ann Properties, LLC (“Leigh Ann Properties”) proposes a residential condominium community consisting of a 16-unit townhome style community as well as one single family residence on 1.46 +/- acres along Weissinger Road, Langdon Drive and Blossom Lane.

The subject property lies within the Neighborhood Form District. The site’s location provides ...

Leigh Ann Properties proposes a townhome community, of all 2-story buildings. Gross density will be on the low side of the high density range. Buildings will be constructed of attractive durable building materials (stone and “hardy plank” lap siding) and will feature high end architectural details.

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 with existing tree masses or new landscaping from and as to adjoining property owners.

GUIDELINE – 2 CENTERS

The proposed apartment community conforms with the overall Intents of and specifically with Policies 1, 4, 5, 7, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in an extremely popular, very robust small city where residents currently seek new housing options that have easy access to the Shelbyville Road commercial center and such nearby Workplace Areas as along North English Station Road and Hurstbourne Parkway. Future residents will also support the businesses and services in nearby activity centers east and these also nearby west of the Snyder Freeway along Shelbyville Road. Parking is compact and shared, and walking and biking are convenient. Internal open space focal points are included on the development plan.

GUIDELINE – 3 COMPATIBILITY

The proposed apartment community conforms with the overall Intents of and specifically with 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 community is in a density range and design comparable to other nearby apartment communities. Buildings will be a mix of 2 stories in height and constructed with attractive building materials comparable to residential communities in the area, in this case stone and “hardy plank”, following copyrighted “big-house” plans of the Texas architects who “invented” this very single-family residential design for larger multi-family housing. Perimeter landscaping, screening and buffering will be provided and/or retained along all property lines. Buildings are oriented toward internal open spaces, and garages face internal roadway and the adjoining Eastgate Village subdivision street to the west.

Sidewalks are provided where required, and accommodations are made for pedestrian and bicycle transportation as well as the handicapped and elderly. Odors won’t exist as in commercial industrial developments, and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a residential development and that internal roads and sidewalks are efficiently organized to control traffic flow and prevent delays. 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. All signage will be in conformance with LDC regulations. No waivers or variances are sought.

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

The proposed apartment community conforms with the overall Intents of and specifically with 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 the passive recreational enjoyment by residents and will serve to provide small seating and other gathering areas and an overall positive appearance 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 community and 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.

GUIDELINE – 6 MARKETPLACE

The proposed apartment community conforms with the overall Intents of and specifically with Policies 1, 2 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around the nearby activity center of the very robust City of Middletown, an increasingly popular place to work, live and play. This proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services. The apartment community, as proposed, will have easy access to Shelbyville Road and I-265 and several other roads in the area, and from there to other Louisville employment and commercial centers.

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

The proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed Detailed District Development Plan (DDDP) has been designed in conformance with all Metro Public Works and Transportation Planning design policies. Good internal circulation, appropriate access, sight distances, corner clearances and parking are provided. Aiken and Shelbyville Roads have adequate traffic-carrying capacity, which will be demonstrated upon completion, and Metro Transportation's preliminary approval of, the Jacobs Engineering-commissioned traffic study. A center left-turning lane on Aiken Road, where one permanent access (and one fire gate) will be located, will be provided. Sidewalks will be provided where required.

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

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 a sufficiently sized detention basin, and from there to an existing drainage channel and in that way will comply with all MSD storm water management requirements. This DDDP must receive the preliminary stamped of approval by MSD prior to docketing for LD&T review. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction. MSD water quality regulatory requirements will also be addressed. Air quality is addressed by virtue of the referenced shorter commuting distances explained hereinabove.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Aiken Road entrance and frontage, along internal streets, and along property perimeters as noted above. Open space is preserved for a positive natural appearance and for passive recreational enjoyment by residents. Tree canopy requirements will be met.

GUIDELINE 14 – INFRASTRUCTURE

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.

For all these reasons those set forth in the applicant's detailed Statement of Compliance with the Cornerstone 2020 Comprehensive Plan, and as evidenced by the DDDP and other evidence submitted with this application and to be presented at LD&T and Planning Commission meetings, the proposed community complies with the specific Intents, Policies and Guidelines of Comprehensive Plan.



Tab 8
Proposed findings of fact
pertaining to compliance with
the 2040 Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant/Owner: Leigh Ann Properties, LLC
c/o Brent Likins, authorized agent

Location: 2813 & 2816 Weissinger Road

Proposed Use: Residential Condominiums

Engineers, Land Planners and
Landscape Architects: CBL Construction Company, LLC

Request: Zone change from R-4 to R-5B

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on October 1, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, this is a proposed rezoning of two parcels that were never built upon at the time the neighboring properties, neighboring subdivision, and neighboring condominium/apartment communities were developed; the parcel was created when the adjoining prior owner of the adjoining lot to the south created these lots and sold them off, which is why they are not included in the subdivision deed restrictions; this is an application to utilize these remaining parcels in a true infill situation with a proposed zoning and density lower than most in the immediate area, excluding only the residential subdivision lots across the street; and the proposal on the property is for two duplex condominium buildings which will look very similar to the neighboring subdivision, as demonstrated by the proposed elevations with brick facades, driveways, etc.; and

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 2, 4, 5, 7 and 9 of Goal 1, because this application and the revised detailed district development plan (“RDDDP”) comply with this Goal because the site is located in the Suburban Neighborhood Form District which encourages medium density uses and a range of housing opportunities, notably including multi-family dwellings which can be condominiums as herein proposed; this proposed development and the rezoning from R-4 to R-5B is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area; this proposal to R-5B will provide a good transition from the higher density apartments and condominiums to south and west to the neighboring Springhurst subdivision; this urban infill proposal (referred to as urban as it is well within the Gene Snyder) will provide an additional housing option missing in the apartments,

condominiums, and subdivision that adjoin this property; this housing option being the style and design of a traditional subdivision home, but with maintenance free living provided by the condominium association; this housing option appeals more and more with the aging baby boom generation and the Gen Y persons that don't want to maintain a traditional subdivision home lot; as shown on the elevations, the proposed duplex buildings will be very similar to the Springhurst subdivision and won't look like the neighboring apartments and condominiums which are more of the traditional multifamily style; as a result, the proposed duplex condominium units will be compatible and similar to the surrounding area; and the proposed units as shown on the elevations also fit within the scale of the adjacent properties mentioned; and

WHEREAS, this proposed residential development is located very close to the TARC service line on Westport Road providing easy and convenient access to transportation facilities to for residents to have easy access to employment centers throughout Louisville Metro and easy access to downtown Louisville; parking is provided in the proposed driveways just as all other homes in the Springhurst subdivision; access to these transit services will help reduce the vehicle miles traveled for these proposed new residences rather than if these proposed units were not an infill development and were located close to Oldham County; because the proposed use fits within and is compatible with the surrounding properties, such that no screening or buffering would practically be expected based upon the area, the RDDDP demonstrates that the proposal attempts to provide screening and buffering, to the extent possible; and the RDDDP attempts to save as much of the existing vegetation as possible for buffering as well; and

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 9 of Goal 2, because the proposed development is an infill development providing new housing within an older and established portion of Louisville Metro; the property is also located very close to many activity centers both to the Kroger at Westport Plaza and the retail south development on the south side of Westport Road; and

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 7 and 9 of Goal 3, because the proposed development has been designed to preserve as much of the open space as possible; by having common party walls, this just helps compact the proposed single family residential condominium units allowing for the preservation of more open space; this also makes make the property more compatible with the surrounding area; being a proposed condominium development, this open space will be owned by the proposed owners in common and maintained by the condominium association; and the applicant will fully address any and all concerns that MSD has as to drainage and permeable soils on the subject property that would create erosion problems; and

MOBILITY

Goal 1 – implement an accessible system of alternative transportation modes.

WHEREAS, the proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, for because this proposed rezoning and RDDDP will cater to those potential condominium purchasers that enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit due to the close proximity of this site to the previously mentioned activity centers within walking and pedestrian distance of the property; sidewalks are being proposed and added to the property to provide pedestrian connections between the existing townhomes (which doesn't have sidewalks) and the Springhurst subdivision; as shown on the RDDDP, bicycle parking is being proposed to promote this means of travel throughout the area; as previously stated, this proposed higher density residential use is located in very close proximity to the marketplace corridors along Westport Road, including the Springhurst commercial near the Gene Snyder, and the Kroger at Westport Plaza, as well as the employment centers in the immediate area, and through transit, downtown; and

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 3, 4, 5, and 6 of Goal 2, because this proposed development through use of undeveloped property in a previously developed area helps to avoid sprawl and provide a housing option to those wishing to use other forms of travel; due to the zoning of the properties in the surrounding area, the access to this site off Langdon Drive will not enter through less areas of lower intensity; and all appropriate site distance standards will be met; and

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of Goal 3, because the proposed development of this vacant undeveloped land into a new and vibrant residential use will provide new housing stock critically needed by Louisville Metro to allow its continued growth and also will reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options; the subject properties close proximity to the above will also help eliminate multiple automobile trips for such services; due to this development's close proximity to public transportation options, as well as the opportunity for pedestrian and bicycle travel, this proposal will have a fraction of the demand on the public transportation network that a new development in the outer portions of Louisville Metro would have on this network; and the additional residential units this development would provide would also help create a larger demand for the existing public transportation options; and

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 of Goal 2, because the subject property is currently served by existing utilities and has adequate capacity for this proposed development as will be confirmed through all utility providers through this rezoning process; these confirmations specifically include the Louisville Water Company’s confirmation of sufficient water service capacity and the Metropolitan Sewer District’s confirmation of adequate sanitary capacity; and

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 10, 17, 21, 31, 32, and 35 of Goal 1, because the proposed development will add new native species landscaping as shown on the RDDDP and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval; and any potential impacts to the current drainage stream on the subject property and the surface water runoff will be fully addressed as shown on the RDDDP; and

HOUSING

Goal 1 – Expand and ensure a diverse range of housing choices.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 1 of Goal 1, because as stated previously, the proposal is for a new and different housing option for the area, being new construction residential with maintenance free living lacking in this older area of Louisville Metro; and the proposed rezoning will also be an additional option for those looking to age in place, i.e., in the community in which they have lived, through providing a maintenance free living option; and

Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 of Goal 2, because the condominium form of development, accompanied by its maintenance free living, provides a housing option for a mixture of residents including the millennials, both working in the area and through transit options downtown, that wants to live in close proximity to services and areas, baby boomers that no longer want to cut their grass, and those persons of all ages that want to live where there are multiple accessible modes of transportation; and

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3, because the proposed development will be a different housing option than the single family residential and apartments that predominates throughout the surrounding area, and thus will have a different price point; this additional housing option will provide an option for the existing residents in the area that want to age in place and in their community; 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 Goals of the 2040 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-5B and approves the Detailed District Development Plan.