

ORDINANCE NO. 028, SERIES 2022

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 9500 GOLDERS GREEN CIRCLE CONTAINING APPROXIMATELY 9.44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0112) (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 21ZONE0112; and

WHEREAS, the Applicant's representative, under oath, told the Planning Commission that while the original R-6 proposal for the property called for 164 dwelling units, 2 additional units were accidentally constructed when the incorrect internal configuration of a building was erroneously pulled and approved; and

WHEREAS, the construction of these two additional units pushed the on-site density just over the maximum allowed under R-6; and

WHEREAS, the applicant volunteered a binding element which, despite a rezoning to R-7 allowing for significantly higher density, would forbid the property from being developed beyond its current density; and

WHEREAS, in addition to the above-reference binding element, the applicant also committed to a number of additional on-site mitigation measures, including increased tree preservation area, additional recreational open space, and additional amenities; and

WHEREAS, the staff report was heavily in favor of the rezoning and the Planning Commission decision was unanimously in favor as well; and

WHEREAS, the Council does not wish to encourage any applicant to attempt to resolve development errors via rezoning requests, but also acknowledges that each rezoning request must be taken on its individual circumstances and merit; and

WHEREAS, the error in this case was strictly internal to the building, meaning the footprint, size, and scale of the building were not changed in a way that might unfairly impact neighbors; and

WHEREAS, the combination of the proposed binding element and additional on-site mitigation measures should benefit both the residents of the property and neighbors; and

WHEREAS, the Council could ordinarily consider allowing this case to be approved without Council action under the 90-day rule, but such rule is currently suspended by the State legislature due to the ongoing COVID-19 related emergency; and

WHEREAS, given the totality of these unusual circumstances, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 21ZONE0112 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an amended binding element.

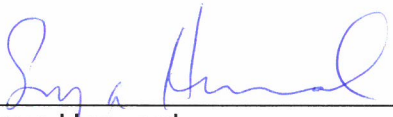
NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the zoning of the property located at 9500 Golders Green Circle containing approximately 9.44 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0112, is hereby changed from R-6 Residential Multi-Family to R-7 Residential Multi-Family; provided, however, said property shall be subject to the binding elements

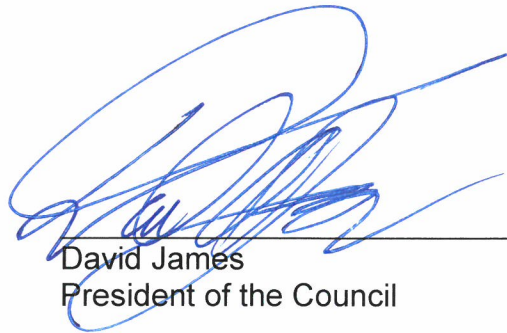
as set forth in the minutes of the Planning Commission in Case No. 21ZONE0112-, with the following amended binding element:

9. Density shall not exceed 17.59 dwelling units per acre nor a gross building square footage of 245,989 square feet unless approved by the Planning Commission with final action to be determined by Metro Council.

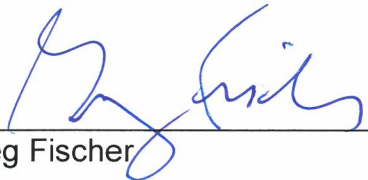
SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



David James
President of the Council



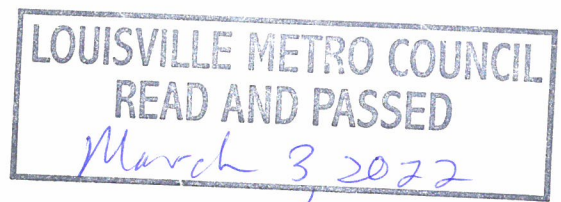
Greg Fischer
Mayor

03/09/2022

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



By: M. Alliday Hopkins