

**Applicant's
Proposed Findings of Fact for 16ZONE1073
Silver Creek Place Apartments
9607 Old Six Mile Lane
Jeffersontown, KY**

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Proposed Use: Multifamily Residential

Land Planners Cardinal Planning & Design, Inc.

Request: Change in Zoning from R-4 to r-6
with two variances and Detailed
District Development plan.

The public hearing was held on this request on July 6, 2017.

An ad ran in the Courier Journal on June 21, 2015 advertising this public hearing per KRS Chapter 100.

Subsequent to discussions during business session, on a motion by _____, the following resolutions were adopted:

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone the subject property at 9607 Old Six Mile Lane which is vacant land, formerly a rural residence, is appropriate and conforms with the intent and policies of Guideline 1 because the site's use is consistent with the Neighborhood Form District which should contain "diverse housing types in order to provide housing choice for differing ages and incomes." This proposal of three 8 plexs with balconies or patios gives the residences connections to their neighbors and the street which is served by sidewalks and offers an alternative housing option to people who want to live in Jeffersontown. The area has other multifamily units to the east and thus this use is compatible with the area. There is a single family subdivision to the west on the other side of the railroad tracks and other single family homes down Old Six Mile Lane to the east. Immediately across the street is Jeffersontown High School, thus giving families with children good access to that use. Accordingly, the proposed use is appropriate under Guideline 1, Policy B.3 and overall it is compatible with the area thus being an appropriate zoning change under the Cornerstone 2020 Comprehensive Plan and KRS 100.213;

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning is in conformance with Guideline 2, Policies 1, 4, & 5 in that the site is located a couple of blocks off of Taylorsville Road- a commercial corridor with

numerous shopping, restaurants and business uses to serve these residences. This proximity encourages walking, biking and cuts down on vehicles miles travel from home to needed services. The Commission also finds there are TARC routes on Taylorsville Road to allow for commuting to downtown Louisville or the Industrial park. Additionally, keeping development compact in populated areas is cost efficient from an infrastructure basis which is smart development. These factors make the multi-family use appropriate because it is in close proximity to activity centers which is in compliance with the goals of a Neighborhood Form District.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning complies with the intent and the policies of Guideline 3 because the use is compatible with the neighboring uses which are both single family and multifamily uses. The Commission further finds that the issue of appropriate size and shape of the structure, setbacks, transitions and visual impact to the neighborhood will be met because the apartments are designed of brick and vinyl with patios and balconies to make for an attractive residential appearance and in size and shape, they are smaller than the units to the east, allowing for a taper down in size to the houses to the west across the railroad tracts. Additionally, the required landscape buffers will be met; outdoor lighting will be in conformance with the LDC and be of a residential style faced downwards as necessary for safe ingress and egress in nighttime hours. The Commission further finds that the proximity to Taylorsville Road allows for walking and biking opportunities within the area which is encouraged under the Guidelines and that the development is located on a Collector Road with good access which can handle the traffic. For these reasons, the Commission finds the proposal is consistent with Guideline 3, Policies 1, 2, 3, 6, 8, 10, 22, and 23.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 Zoning complies with the Open Space requirements by providing the required community area with some picnic tables and benches for the residents use in compliance with Guideline 4.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning complies with the intent and the policies of Guideline 5 because neither the subject property nor the area has been identified as a natural or historic resource requiring preservation. Additionally, there are no special districts or soil and slope issues facing this proposal.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to R-6 zoning promotes and is consistent with the policies of Guideline 6 because the proposal is an investment in an older neighborhood and is located in an

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area served by existing public infrastructure and utility connections of water, sewer and electric services thus reducing the cost of land development and preventing sprawl as desired by Guideline 6, Policy 3.

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WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this Tract to R-6 provides adequate parking and connections and the site is in an area with access to mass transit a few blocks away which promotes pedestrian and bike travel all being factors in compliance Guideline 7, Policies 6 & 10.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning complies with the intent and the policies of Guidelines 8 and 9 because the Development Plan is consistent with the requirements of Jeffersontown Public Works, there is no potential for stub streets, thus none are provided, the proposal is located near a TARC stop consistent with Guideline 9. Further, the Commission finds the proposal does not impact any environmentally sensitive areas, scenic corridors or streetscape issues.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning complies with the intent and the policies of Guidelines 10 and 11 because the Development Plan is designed with on-site detention to avoid additional run-off volume as requested by the City of Jeffersontown, that appropriate construction practices will be employed in constructing the buildings and driving areas to protect water quality by the use of effective sediment and erosion practices in accordance with applicable regulations and by using best management practices. Additionally, the Commission finds no portion of the property to be developed is designated as floodplain or a blue line stream.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to R-6 zoning complies with the intent and the policies of Guideline 12 because the proposal is in a developed area which works to decrease vehicular miles traveled between home and trips to neighboring businesses, the site is also served by a TARC stop in the area, thus encouraging the use of mass transit reducing vehicular miles traveled by residents and sidewalks are available in this area.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-6 zoning complies with the intent of Guideline 13 by maintaining the existing residential look of the area and complying with the required landscaping buffers.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone

this tract to R-6 zoning complies with the intent and the policies of Guideline 14 because all necessary utilities are available.

WHEREAS, based on all of the foregoing, the Commission finds that the proposal to rezone this tract to R-6 zoning is compatible with this Neighborhood Form District and in conformance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan and is consistent with KRS Chapter 100;

NOW, THEREFORE, BE IT RESOLVED that the Louisville Metro Planning Commission does hereby RECOMMEND to the City of Jeffersontown that the change in zoning from R-4 to R-6 on the property described in the legal description attached hereto in Docket No. 16ZONE1073, BE APPROVED, SUBJECT to the accompanying binding elements.

The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

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Variance of LDC 5.3.1.C

On a motion by Commissioner _____ finds that in Case No. 16ZONE1073 the following resolution was adopted:

WHEREAS, the Commission finds that the applicant has requested a variance under LDC Chapter 5.3.1.C to allow for a 15 foot front yard setback instead of the required infill setback of approximately 41 feet.

Whereas, the Commission finds the applicant has shown that current conditions and adjoining uses make the infill standards not appropriate or unnecessary in this situation because the subject area is not a standard block shape with either uniform uses or lots sizes, thus making the intent of infill regulation to preserve the streetscape and compatibility on a block less applicable.

Whereas, the Commission finds the applicant's Development Plan providing for a 15 foot front yard setback which is consistent with the R-6 and Neighborhood Form District standards is appropriate for the setting.

Whereas, the Commission finds the requested variance will not adversely affect the public health, safety or welfare of neighboring landowners because this setback is appropriate as set forth in the Development Plan.

Whereas, the Commission finds the requested variance will not alter the essential character of the neighborhood because there is already a mixture of uses and setbacks in the immediate area.

Whereas, the Commission finds the requested variance will not cause a hazard or nuisance to the public;

Whereas, the Commission finds the granting of the variance will not allow an unreasonable circumvention of the zoning regulations because the purpose of the infill regulation is to not allow buildings at an irregular pattern when there is consistent building placement but in this situation the block is not a standard block type nor is there is a uniform pattern.

Whereas, the Commission finds that the strict application of the provision of the regulation creates an unnecessary hardship on the applicant because the applicant is already dedicating 37 feet of right of way to this project which is in part the need for this variance.

BE IT FURTHER RESOLVED, that the Louisville Metro Planning Commission does hereby **GRANT** the variance from LDC 5.3.1.C infill front setback requirements to allow Front Setback of 15 feet as shown on the Development Plan and in accordance with the Zoning and Neighborhood Form District requirements

Variance of LDC 9.1.4

On a motion by Commissioner _____ finds that in Case No. 16ZONE1073 the following resolution was adopted:

WHEREAS, the Commission finds that the applicant has requested a variance under LDC Chapter 9.1.4 to allow for off street parking in the 41 foot front yard setback required by the infill regulation in LDC 5.3.1.C.

Whereas, the Commission finds the applicant has shown that current conditions and adjoining uses make the infill standards inappropriate or unnecessary in this situation because the subject area is not a standard block shape with either uniform uses or lots sizes, thus making the intent of infill regulation to preserve the streetscape and compatibility on a block less applicable and requiring this variance allowing off street parking in the front yard setback.

Whereas, the Commission finds the applicant's Development Plan providing for a 15 foot front yard setback which is consistent with the R-6 and Neighborhood Form District standards is appropriate for the setting and the proposed parking is at the side of the building, not in the front of the building.

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N/A
JPD
7/3/17

Parking & Structural Variance covered under findings of 5.3.1.C.

N/A
JPD
7/3/17

Whereas, the Commission finds the requested variance will not adversely affect the public health, safety or welfare of neighboring landowners because this setback is appropriate as set forth in the Development Plan.

Whereas, the Commission finds the requested variance will not alter the essential character of the neighborhood because there is already a mixture of uses and setbacks in the immediate area and this parking along the side of the building is compatible.

Whereas, the Commission finds the requested variance and the location of the parking area will not cause a hazard or nuisance to the public.

Whereas, the Commission finds the granting of the variance will not allow an unreasonable circumvention of the zoning regulations because the parking area proposal is consistent with the other requested variance to allow the Form District standard not the infill regulation to set the appropriate front yard setback.

Whereas, the Commission finds that the strict application of the provision of the regulation creates an unnecessary hardship on the applicant because the applicant is already dedicating 37 feet of right of way to this project which is in part the need for this variance.

BE IT FURTHER RESOLVED, that the Louisville Metro Planning Commission does hereby **GRANT** the variance from LDC 9.1.4 infill front setback requirements to allow off street parking spaces as shown on the Development Plan and in accordance with the Zoning and Neighborhood Form District requirements

The vote was as follows:
YES:
NO:
NOT PRESENT FOR THIS CASE:
ABSTAINING:

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DEVELOPMENT PLAN

On a motion by Commissioner _____ the following resolution was adopted:

WHEREAS, the Commission finds that in Case No. 16ZONE1073 that the Detailed District Development Plan be approved.

The vote was as follows:
YES:
NO:
NOT PRESENT FOR THIS CASE:
ABSTAINING:

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Respectfully submitted



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