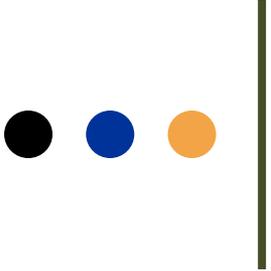




## Docket No. 21-ZONE-0075

Zone change from R-4 to C-1 and a  
General Development Plan on  
property located at  
9021 Taylorsville Road

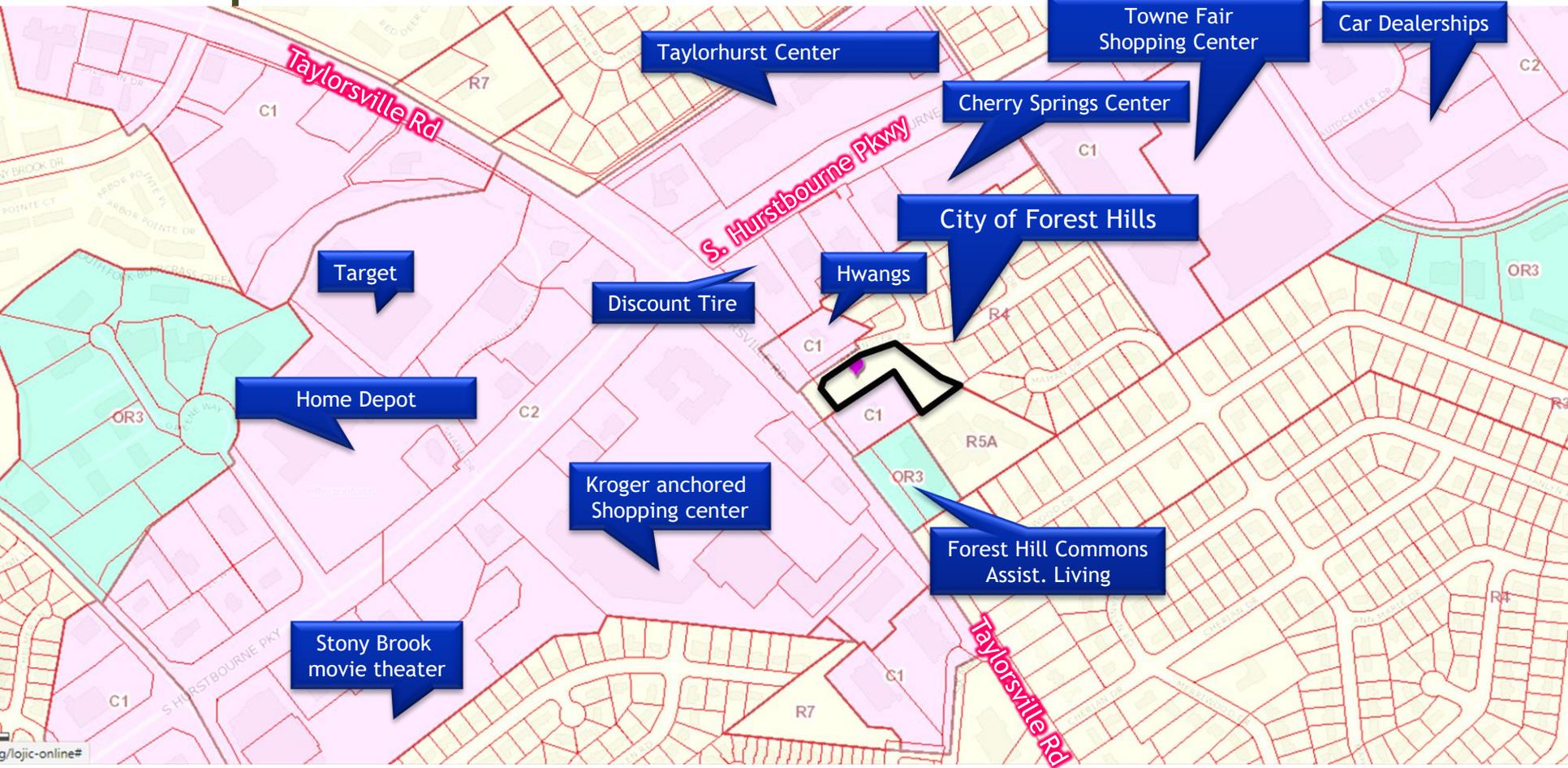


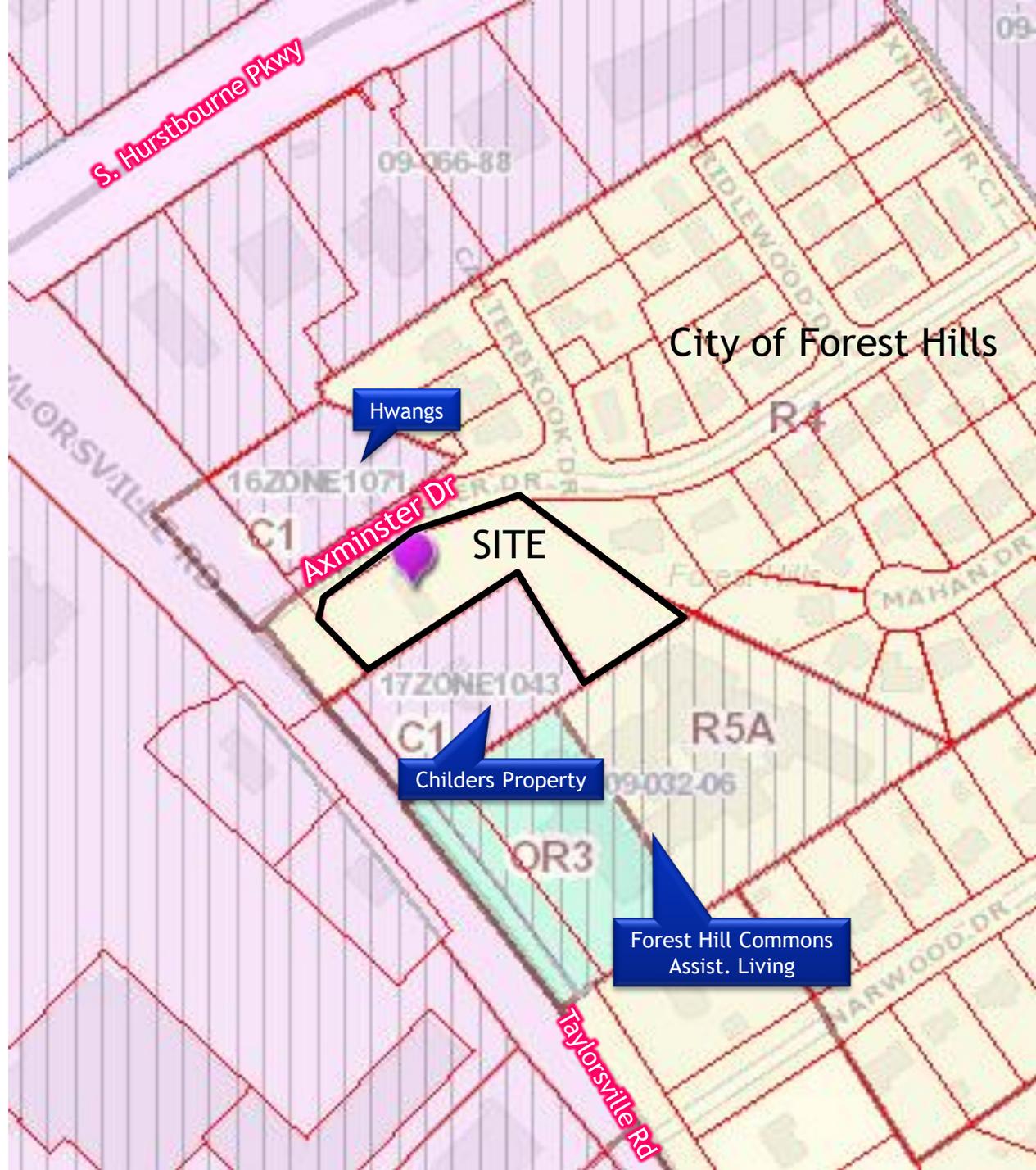
# Index

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





S. Hurstbourne Pkwy

City of Forest Hills

Hwangs

Axminster Dr

SITE

Childers Property

Forest Hill Commons  
Assist. Living

Taylorsville Rd



Tab 2

Aerial photograph of the site  
and surrounding area



- Taylorhurst Center
  - Cherry Springs Center
  - Towne Fair Shopping Center
  - Car Dealerships
  - City of Forest Hills
  - Target
  - Discount Tire
  - Hwangs
  - Home Depot
  - Kroger anchored Shopping center
  - Forest Hill Commons Assist. Living
  - Stony Brook movie theater
- Streets shown include: S. Hurstbourne Pkwy, Taylorsville Rd, Stony Brook Dr, Salsman Dr, Hurstbourne Cevlin, Green Way, Citadelle Way, S. Hurstbourne Pky, Theilwa Ln, Wooded Glen Rd, Six Mile Ln, Merrivood Dr, Ann Marie Dr, Chertian Dr, Mainan Dr, Banlyn Rd, Narwood Dr, P. O. R. Administer Dr, Bunsen Pky, and Autocenter Dr.



Discount Tire

Approved Hwang's

Forest Hill Commons  
Assist. Living

SITE

Ex. Driveway on  
Axminster to be  
eliminated

Axminster Drive

Approved Childers Property

Taylorsville Rd

Other items in the 3D viewer

Image Landsat / Copernicus

Google Earth



Approved Hwang's

SITE

Forest Hill Commons  
Assist. Living

Approved Childers Property

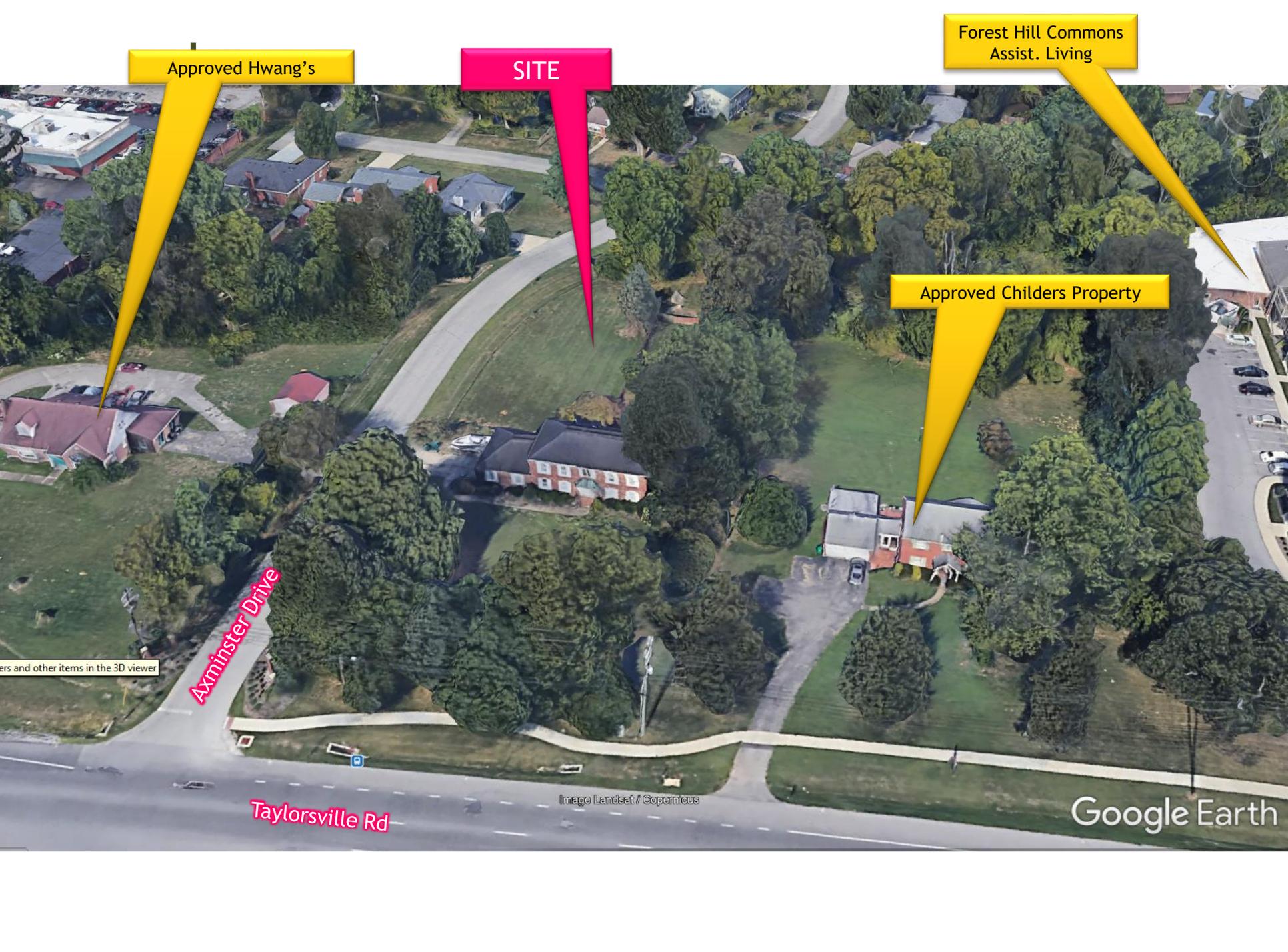
Axminster Drive

Taylorville Rd

Image Landsat / Copernicus

Google Earth

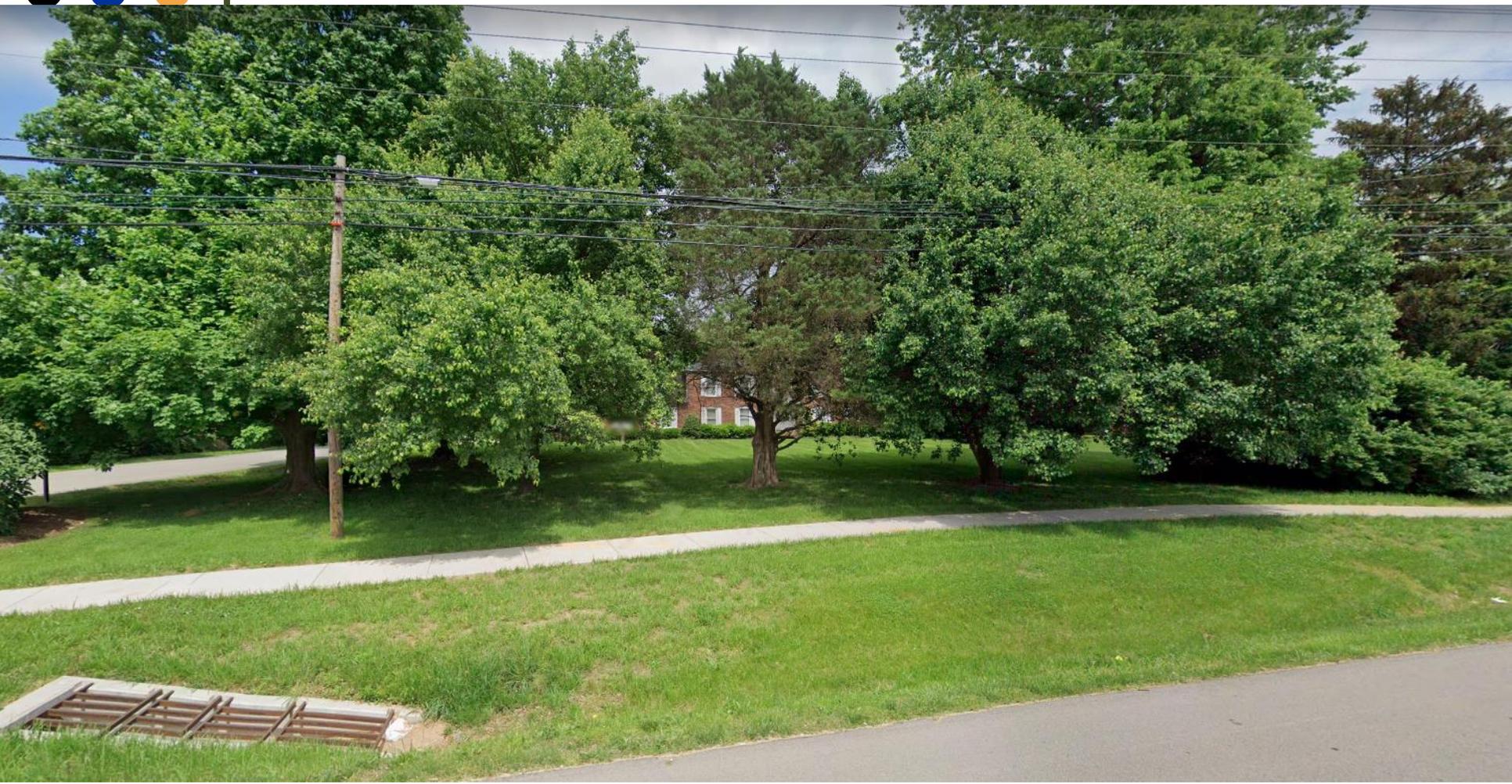
ers and other items in the 3D viewer





Tab 3

Ground level photographs of  
the site and surrounding  
area



View of site from Taylorsville Road.



View of Taylorsville Road looking south. Site is the left.



SITE

Taylorsville Road

Google

View of Taylorsville Road looking north towards Hurstbourne Parkway. Site is the right.



## Tab 4

### Neighborhood Meeting

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

● ● ●

Adjoining property owner notice list map wherein 41 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



**9021 Taylorsville Rd**



2/15/2021, 5:00:18 PM



Louisville Metro, MSD, LWC & PVA © 2021

This map is not a legal document and should only be used for general reference and identification.

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Email: [NRP@BARDLAW.NET](mailto:NRP@BARDLAW.NET)  
Mobile: (502) 777-8831

March 9, 2021

RE: Neighborhood meeting for a zone change from R-4 to C-1 to allow a medical lab facility addition to the existing 2-story building on property located at 9021 Taylorsville Road

Dear Neighbor:

We are writing to notify you about a “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

Our clients, Barry and Dale Crawford, are seeking a zone change from R-4 to C-1 on the property referenced above. The applicants are proposing to add a 2-story, 7,625 sf addition to the existing 2-story, 3,010 sf building. Parking will be located to the interior of the site and will connect to the adjoining property to the south. There will be no direct access from Taylorsville Road onto the site and no access to Axminster Drive. The proposed access is through the adjacent property at 9101 Taylorsville Road. The properties to the north and south of this site on Taylorsville Road are already zone C-1 making the existing R-4 zoning the last one in this portion of Taylorsville Road.

A plan for pre-application review was filed with the Metro Planning and Design Services (PDS) that was assigned case number 21-ZONEPA-0019 and case manager Joel Dock.

The virtual meeting will be held on **Tuesday, March 23<sup>rd</sup>** beginning at **6:30 p.m.**

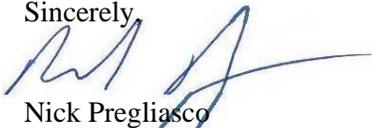
Enclosed for your review are the following:

1. The development plan sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’ “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me, or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

Sincerely,

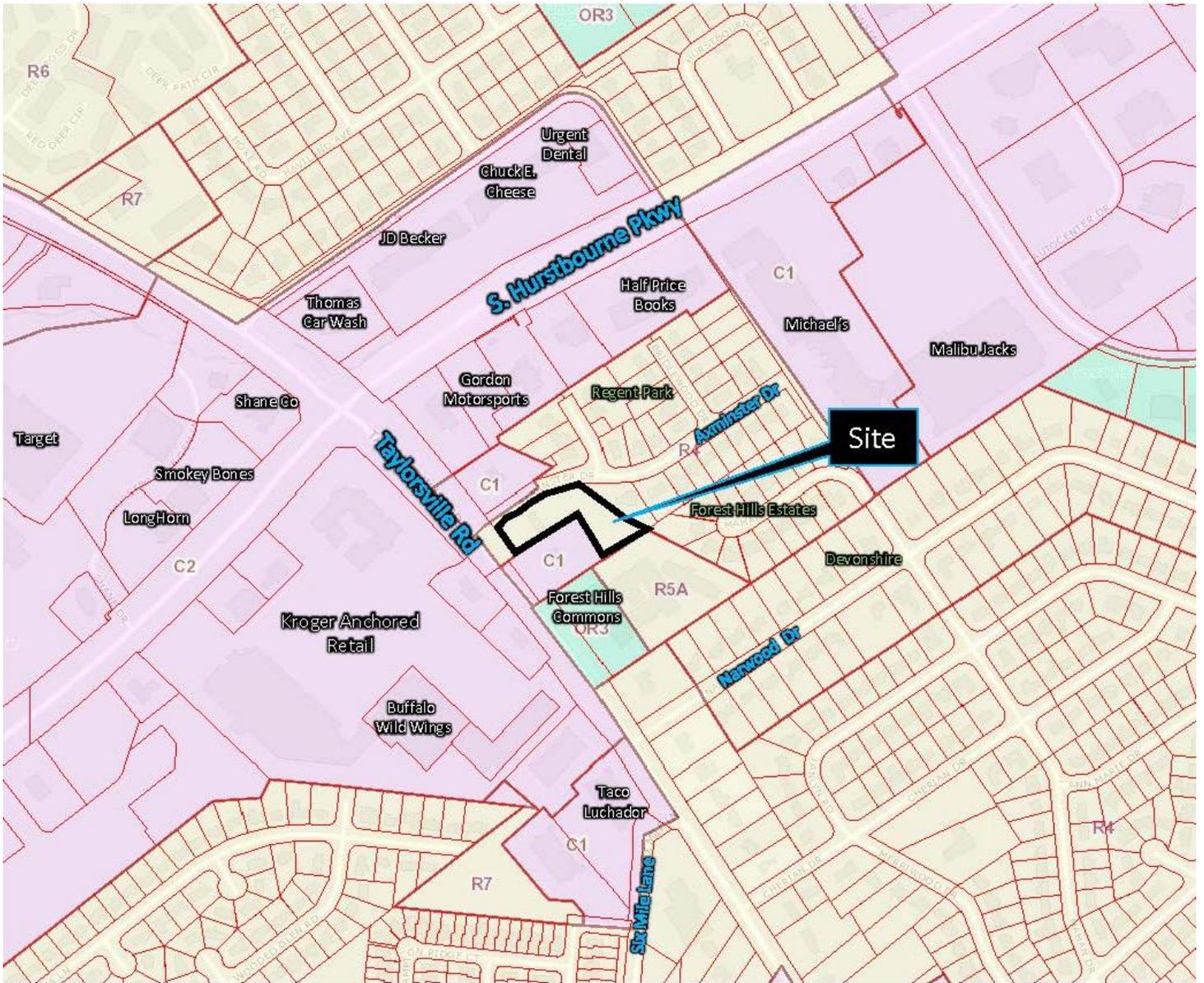


Nick Pregliasco

cc: Hon. Marilyn Parker, Councilwoman, District 18  
Hon. Kenny Griffin, Mayor, City of Forrest Hills  
Joel Dock, Case Manager with Metro Planning & Design Services  
John Miller, engineer & land planners with Miller Wihry  
Barry and Dale Crawford, applicants



# LOJIC SITE LOCATION SHEET



## **DETAILED SUMMARY SHEET**

Our clients, Barry and Dale Crawford, are seeking a zone change from R-4 to C-1 on property located at 9021 Taylorsville Road. The applicants are proposing to add a 2-story, 7,625 sf addition to the existing 2-story, 3,010 sf building. Parking will be located to the interior of the site and will connect to the adjoining property to the south. There will be no direct access from Taylorsville Road onto the site and no access to Axminster Drive. The proposed access is through the adjacent property at 9101 Taylorsville Road. The properties to the north and south of this site on Taylorsville Road are already zone C-1 making the existing R-4 zoning the last one in this portion of Taylorsville Road.

The property is located on the north east side of Taylorsville Road, south of S. Hurstbourne Pkwy, as shown on the attached "LOJIC Site Location" attachment.

The present zoning is R-4 the proposed zoning C-1, and the form district is Neighborhood Form District with no proposed change thereto.

Landscaping, screening and buffering will contain the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC) in order to assure that the adjoining properties are adequately protected from possible adverse impacts of the different uses. Greater detail on this should be available at the time of the neighborhood meeting. A tree preservation plan addressing tree protection and the landscape plan will be provided to the planning commission's staff landscape architect for approval prior to commencement of post-approval construction activities.

Sanitary sewer service will be directed to the Morris Forman Treatment Center.

Stormwater will be directed to an on-site detention basin in the northwest corner of the site as shown on the draft DDDP, which will assure that the post-development rate of run-off will not exceed pre-development conditions. The detention basin and all the stormwater infrastructure will be designed to MSD's specifications and requirements.

**NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES.** Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

## **CONTACT INFORMATION SHEET**

### **1. PRIMARY CONTACT**

*Bardenwerper, Talbott & Roberts, PLLC  
1000 N. Hurstbourne Pkwy., 2<sup>nd</sup> Floor  
Louisville, KY 40223  
Nicholas R. Pregliasco – (502) 777-8831  
[NRP@bardlaw.net](mailto:NRP@bardlaw.net)*

### **2. ENGINEERING FIRM**

*Miller Wihry  
c/o John Miller  
1387 South Fourth Street  
Louisville, KY 40208  
(502) 636-5501  
[john@millerwihry.com](mailto:john@millerwihry.com)*

### **3. APPLICANT**

*Barry Crawford and Dale Crawford  
11805 Taylorsville Road  
Louisville, KY 40299  
(502) 645-0604*

### **4. CASE MANAGER OR SUPERVISOR**

*Joel Dock, AICP  
Planning & Design Services  
444 South Fifth Street, Suite 300  
Louisville, KY 40202  
502-574-5860  
[Joel.Dock@louisvilleky.gov](mailto:Joel.Dock@louisvilleky.gov)*

## INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

Crawford/Taylorsville Road Virtual NM  
Tue, Mar 23, 2021 6:30 PM - 8:30 PM (EDT)

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/373131053>

**You can also dial in using your phone.**

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

**Access Code:** 373-131-053

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/373131053>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at [amc@bardlaw.net](mailto:amc@bardlaw.net) or Nanci Dively at [nsd@bardlaw.net](mailto:nsd@bardlaw.net)

**IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:**

*Nicholas R. Pregliasco – (502) 777-8831*  
[NRP@bardlaw.net](mailto:NRP@bardlaw.net)

*John Miller – (502) 636-5501*  
[john@millervihry.com](mailto:john@millervihry.com)

*Joel Dock, AICP – (502) 574-5860*  
[Joel.Dock@louisvilleky.gov](mailto:Joel.Dock@louisvilleky.gov)

**PLANNING & DESIGN SERVICES (PDS's)**  
**ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

## AFTER THE NEIGHBORHOOD MEETING SHEET

### **After the Neighborhood Meeting**

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting. Please contact the case manager if you are interested in learning how to request a night hearing or hearing in the district of the project.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary  
Case No. 21-ZONEPA-0019

The fully compliant, noticed Neighborhood Meeting commenced at 6:30 PM on Tuesday, March 23, 2021. In attendance on behalf of the Applicant were Paul B. Whitty, Attorney, John Miller, Engineer, Barry Crawford, Applicant and Terry McAllister, Mayor of Hurstbourne Acres, and Bob Childers, adjacent neighbor.

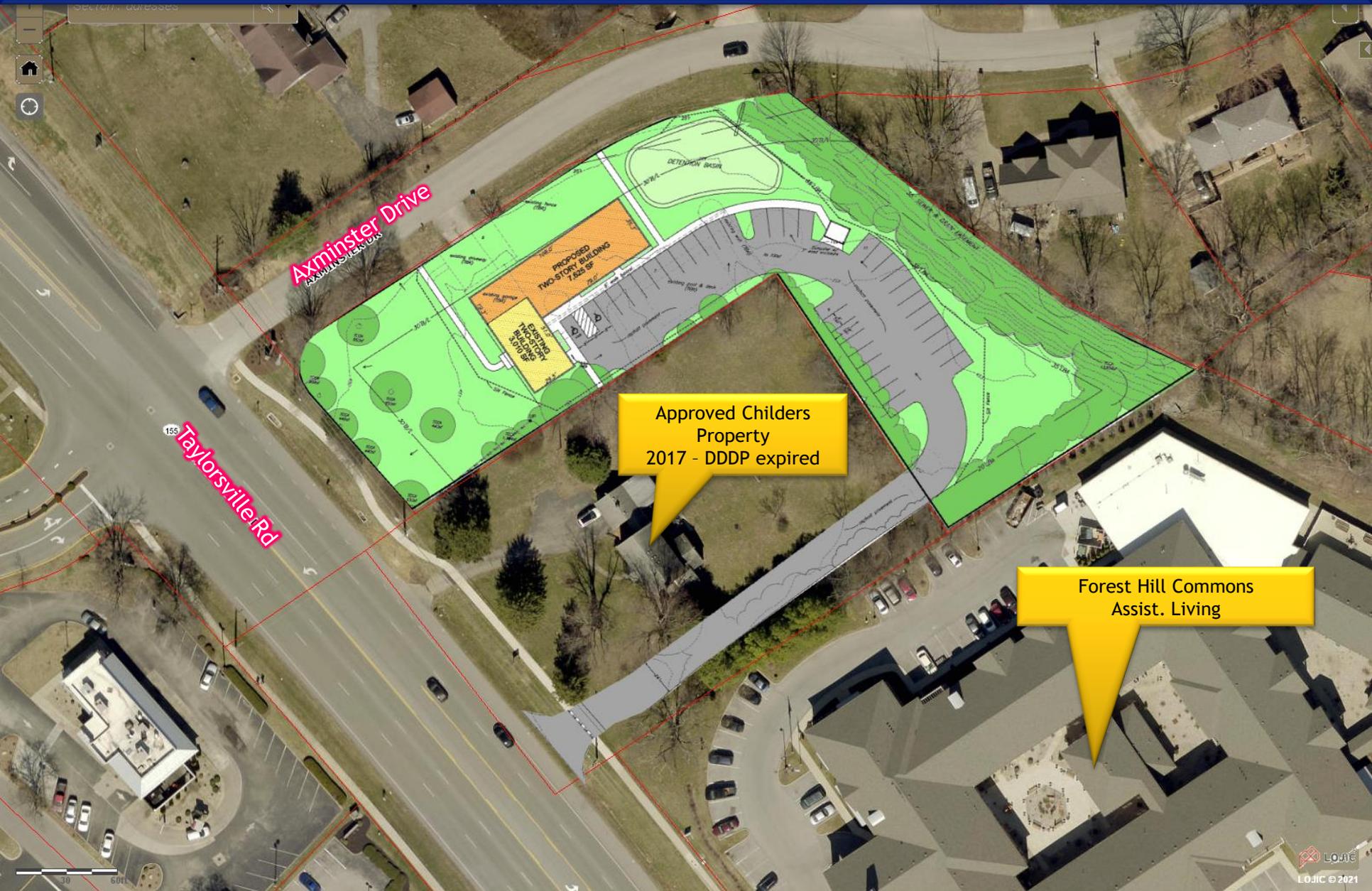
Mr. Whitty presented a PowerPoint which included LOJIC and aerial maps with the site super-imposed, the development plan, area photographs and detailed building renderings. Mr. Whitty explained that the plan provides access from Taylorsville Road routed through Mr. Childers' property pursuant to a binding element applied to the 2018 rezoning of his adjacent tract (Case No. 17-Zone-1043). There will be no curb cut or access from the site to Axminster Drive.

There were no questions and the meeting concluded at 7:00 PM.



Tab 5  
Development Plan

# Detailed District Development Plan shown at the 3/23/21 Neighborhood Meeting



Axminster Drive  
ASPH/SLT/GRASS

156 Taylorsville Rd

Approved Childers  
Property  
2017 - DDDP expired

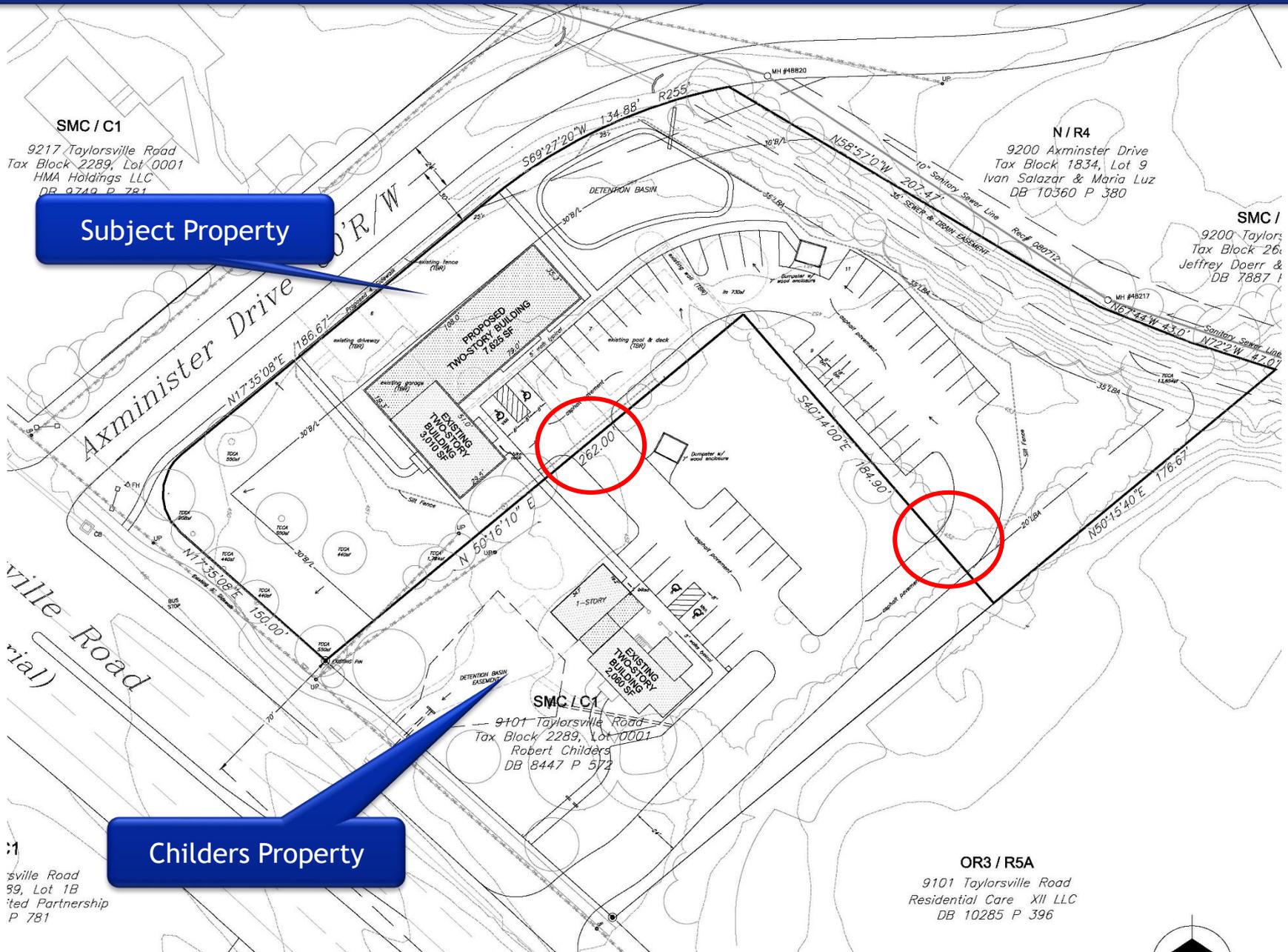
Forest Hill Commons  
Assist. Living

0 30 60 FT

LOJIC © 2021



# Previously proposed DDDP for subject property and RDDDP for Childers combined



SMC / C1

9217 Taylorsville Road  
Tax Block 2289, Lot 0001  
HMA Holdings LLC  
DB 9749 P 781

**Subject Property**

N / R4

9200 Axminster Drive  
Tax Block 1834, Lot 9  
Ivan Salazar & Maria Luz  
DB 10360 P 380

SMC /

9200 Taylorsville Road  
Tax Block 261, Lot 9  
Jeffrey Doerr & Jeffrey Doerr  
DB 7887 P 380

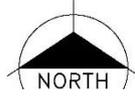
SMC / C1

9101 Taylorsville Road  
Tax Block 2289, Lot 0001  
Robert Childers  
DB 8447 P 572

**Childers Property**

OR3 / R5A

9101 Taylorsville Road  
Residential Care XII LLC  
DB 10285 P 396



# General District Development Plan

Converted from prior DDDP

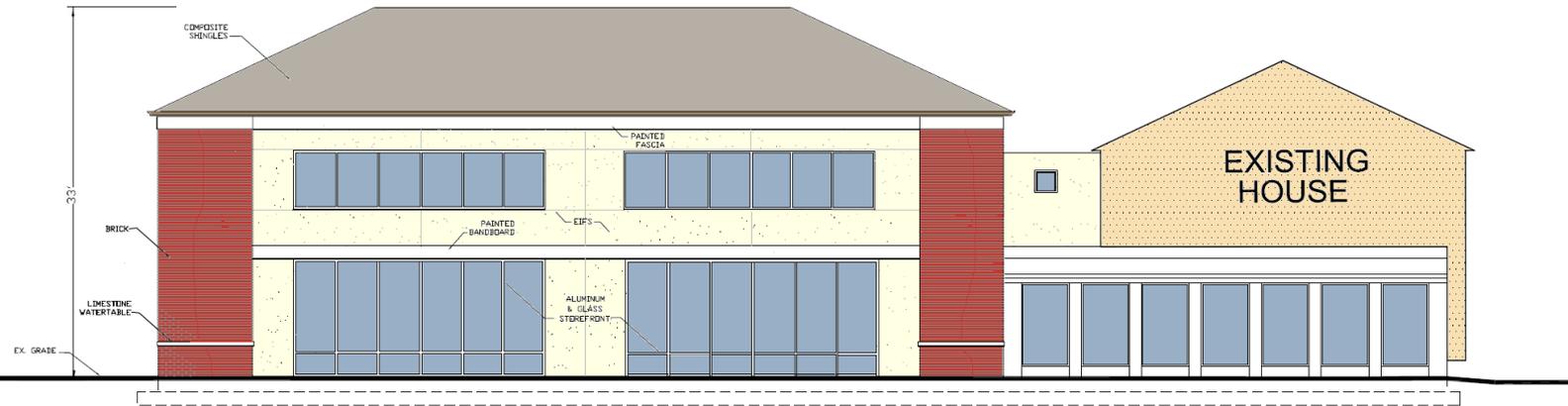




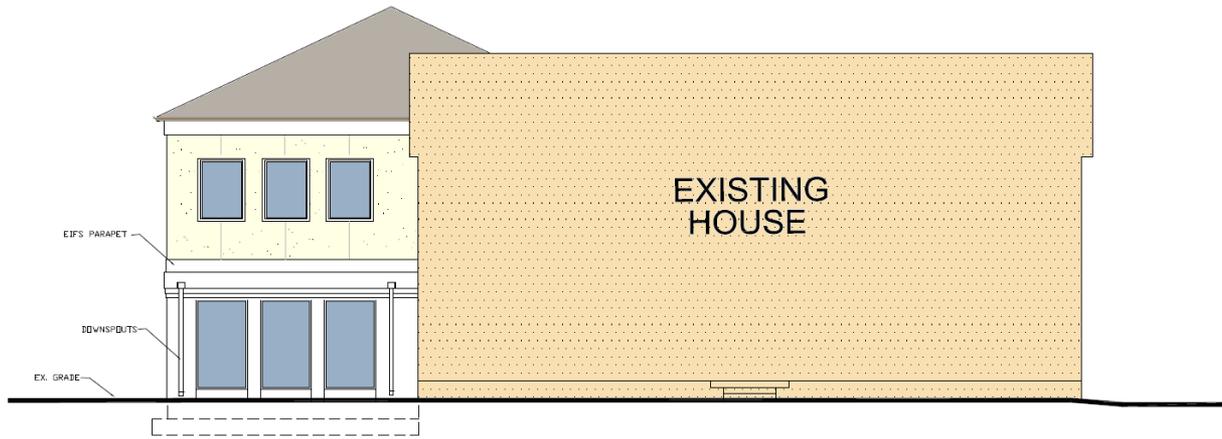
Tab 6  
Building Elevations



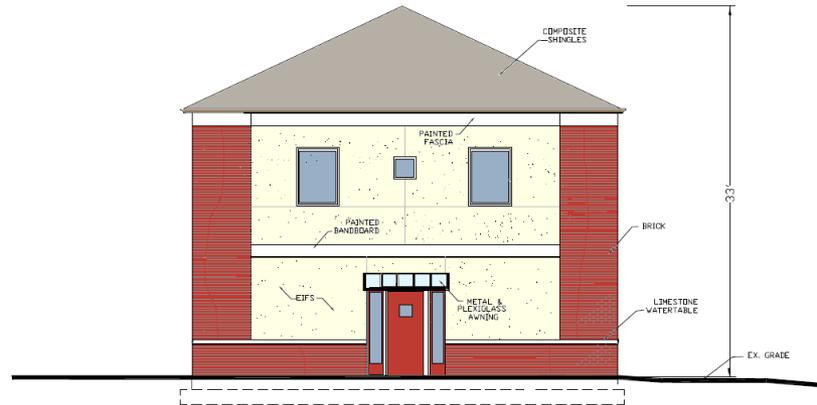
Southeast Elevation - Parking Lot



Northwest Elevation - Axminster Drive



## Southwest Elevation - Taylorsville Road

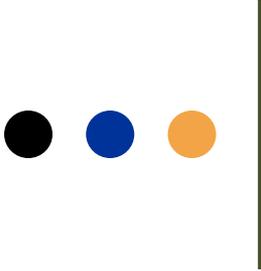


## Northeast Elevation



Tab 7

Proposed Additional Binding  
Elements



# Proposed Additional Binding Elements

1) The following C-1 uses shall be prohibited:

Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

Automobile parking areas, public and private

Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)

Boarding and lodging houses

Car washes having prior approval by the agency responsible for transportation planning

Grocery stores, including fruit, meat, fish, and vegetable

Ice storage houses of not more than five (5) ton capacity

Nurseries, retail

Pawn Shop

Tents, air structures and other temporary structures

2) There shall be no vehicular access from the site to Axminister Drive.



## Tab 8

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

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN**

<u>Applicant &amp; Owner</u>	Estate of Nancy R. Donnelly, Barry K. Crawford, Executor
<u>Location:</u>	9021 Taylorsville Road
<u>Proposed Use:</u>	Medical Laboratory and Offices
<u>Engineers, Land Planners and Landscape Architects:</u>	Miller Wihry
<u>Request:</u>	Zone change from R-4 to C-1

### **INTRODUCTION**

The subject site is an infill site adjacent to a property subject to a now expired development plan which contained a binding element that required a vehicular connection to this site if it were ever developed for a non-residential use. That is the case here and the proposed development plan shows that connection. Although expired, the development plan for the adjacent tract will need to be refiled and it is certain that the same connectivity binding element will be imposed again. This accomplishes a neighborhood goal that there be no vehicular access to Axminister Drive. In addition, both properties are served by a joint access which is located further away from Axminister Drive in compliance with the requirement of the Kentucky Transportation Cabinet.

### **COMMUNITY FORM**

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

The proposed zone change and detailed district development plan (DDDP) comply with applicable Objectives a, b, c, e & f and applicable Policies 1, 2.1, 2.7, 3.1.3., 4, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, & 28 as follows:

The proposed change in zoning to C-1 complies with Goal 1 in several ways. Medical offices and laboratories are proposed in a continually growing area of Taylorsville Road, where a large retail activity center already exists.

The proposed medical offices will support the residential areas around the development. Its location close to neighboring residential developments will be convenient for the residents and will reduce vehicle miles traveled for those seeking medical products and services without

driving to large hospital complexes. The rezoning will serve the suburban areas need for medical services fulfilling the Neighborhood Form District goals.

The proposed zone change and development plan are compatible with the scale and site design of the neighboring residential areas, as this site is on a major arterial roadway just south of a traffic signal. Appropriate buffers will be created in such a way that this development will mitigate the office expansion into residential areas very well. The potential adverse impacts, such as noise, lighting and traffic will be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

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

The proposed zone change and DDDP comply with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 8, 9, 11, & 17 as follows:

The proposed change in zoning from R-4 to C-1 to allow the medical office use will encourage sustainable growth with these low impact uses on a major arterial and avoid potential decline by an underutilized residential property and will continue to provide appropriate intensity around this mixed-use area by locating uses of limited intensity compatible with the area and existing infrastructure. This is also provided by the proposed private roadway through the adjacent site to create a joint access to Taylorsville Road which eliminates the current access on the adjacent tract and locates the joint access further away from Axminister Drive. The design and intensity are appropriate with adjacent uses that will serve the needs of the surrounding community due to the limited impact on the residential area by preserving Axminister Drive for residential use. The development will be compact within a larger activity center resulting in efficient land use and will take advantage of and compliment cost-effective infrastructure investment. This mixture of compatible neighborhood serving uses will reduce vehicle miles traveled and limit trips for customers and users of the site. This site is within a corridor where major support population exists and is growing rapidly. As a relatively small office complex, it will be compact and will contain acceptable/desirable office use. Sidewalks will be provided as required by the Land Development Code.

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

The proposed zone change and DDDP comply with applicable Objectives a and c, and Policies 9, 10 and 12 follows:

The proposed development plan will protect the surrounding neighborhoods as they will not diminish any open space or natural resources and will provide LBAs and buffers in the area of the site adjacent to residential development. The zoning change will not cause any negative impacts to any flood prone areas, wet or permeable soils or steep slopes. By providing a detention basin the stormwater management will be handled more effectively for the subject site and the adjacent property than it is currently. The proposal avoids any significant change in topography and does not cause any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties. Moreover, the stormwater drainage improvements will continue to limit any issues with flooding or standing water, while respecting the natural features of the property and

protecting the health, safety and welfare of the adjacent properties and future uses of the development.

*Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.*

The proposed zone change and DDDP comply with applicable Policies 1 & 2 as follows:

There are no known historic resources on the site. The rezoning and development plan will essentially provide an infill development within the larger activity center where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area in the appropriate scale and mass.

## **MOBILITY**

*Goal 1 – Implement an accessible system of alternative transportation modes.*

The proposed zone change and DDDP complies with applicable Objectives e and Policy 4 as follows:

The site provides sidewalks and is served by TARC routes 17 and 40.

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

The proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 4 as follows:

The development plan complies with the objectives and applicable policy of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access to a major arterial (Taylorsville Road). Public transit is available. Bike racks will be provided and sidewalks will be installed in compliance with the Land Development Code.

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

The proposed zone change and DDDP comply with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 9 and 10 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and by providing medical offices to complement a mix of neighborhood serving businesses, services and reducing vehicle miles traveled by providing the activity center with additional development in this infill situation. The plan will not burden the transportation network but will allow the site to continue to be consistent with the intent of the Neighborhood Form District, rather than a more intense commercial use. The parking proposed for the site appropriately addresses the intensity of the proposed use and the character and pattern of the Neighborhood Form District. The plan also satisfies the policy of

supporting biking and pedestrian travel by providing for those modes of access, with bike parking provided. All required utilities are available to the site. The access to the site has been revised from the original submittal to properly align with adjacent development across Taylorsville Road and to satisfy a request from neighbors served by Axminister Drive who desire that it be preserved for residential use only. Sanitary sewers are available to the site.

## **COMMUNITY FACILITIES**

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

The proposed zone change and DDDP comply with applicable Policies 1, 2, & 3 as follows:

This development plan is not a community facilities plan, but it does locate development in an area currently served by existing infrastructure, with adequate water supply of potable water and with sufficient water for fire-fighting purposes and access to sewers, all so as to not burden existing or future community facilities.

## **ECONOMIC DEVELOPMENT**

*Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.*

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 2, 3, and 4 as follows:

This development plan complies with Goal 1 of Economic Development as it will provide an appropriate medical office use that improves growth, innovation, and investment opportunity for all by providing for the constructive use of an otherwise underutilized residential parcel in an infill context. It is located in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area. It will also provide opportunities to area residents by providing another location with a supportive medical office component with convenient access to major arterials and roadway infrastructure without generating high volumes of traffic.

*Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.*

The proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 as follows:

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center. It also satisfies the goal and policy of infill development to take advantage of the existing infrastructure.

## **LIVABILITY**

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

The proposed zone change and DDDP comply with applicable Policy 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 as follows:

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating large amounts of new traffic for the area. It also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the increased impervious surface which improves drainage to the adjacent site as well as the subject site. Landscaping will be added where required under the Land Development Code to reduce the impacts of the site to nearby residential uses.

*Goal 2 – Ensure equitable health and safety outcomes for all.*

The proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 8 as follows:

The development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional medical offices and services in close proximity to existing residential development.

*Goal 3 – Ensure equitable access to land use planning and Policy-making resources.*

The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 as follows:

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes.

*Goal 4 – Integrate sustainability and resilience in community planning processes.*

The proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 as follows:

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing vehicle miles travelled by providing needed medical office services. It also provides needed medical

offices services in and along high capacity transit corridor of Taylorsville Road, supporting public transportation with medium intensity use.

## **HOUSING**

The proposed zone change and DDDP comply with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community. The proposed zoning will support diversity in housing styles, mixed-income and inter-generational residency without displacing any current residents.

\* \* \*

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence to be presented at Planning Commission public hearings, this application will comply with all other applicable Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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Tab 9

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	Estate of Nancy R. Donnelly, Barry K. Crawford, Executor
<u>Location:</u>	9021 Taylorsville Road
<u>Proposed Use:</u>	Medical Laboratory and Offices
<u>Engineers, Land Planners and Landscape Architects:</u>	Miller Wihry
<u>Request:</u>	Zone change from R-4 to C-1

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on March 3, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTION**

**WHEREAS**, the subject site is an infill site adjacent to a property subject to a now expired development plan which contained a binding element that required a vehicular connection to this site if it were ever developed for a non-residential use; that is the case here and the proposed development plan shows that connection; although expired, the development plan for the adjacent tract will need to be refiled and it is certain that the same connectivity binding element will be imposed again; this accomplishes a neighborhood goal that there be no vehicular access to Axminister Drive; and both properties are served by a joint access which is located further away from Axminister Drive in compliance with the requirement of the Kentucky Transportation Cabinet; 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 and general district development plan (GDDP) comply with applicable Objectives a, b, c, e & f and applicable Policies 1, 2.1, 2.7, 3.1.3., 4, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, & 28 because medical offices and laboratories are proposed in a continually growing area of Taylorsville Road, where a large retail activity center already exists; and

**WHEREAS**, the proposed medical offices will support the residential areas around the development. Its location close to neighboring residential developments will be convenient for

the residents and will reduce vehicle miles traveled for those seeking medical products and services without driving to large hospital complexes; and the rezoning will serve the suburban areas need for medical services fulfilling the Neighborhood Form District goals; and

**WHEREAS**, the proposed zone change and development plan are compatible with the scale and site design of the neighboring residential areas, as this site is on a major arterial roadway just south of a traffic signal; appropriate buffers will be created in such a way that this development will mitigate the office expansion into residential areas very well; and the potential adverse impacts, such as noise, lighting and traffic will be mitigated through the use of buffers, setbacks and compliance with the Land Development Code; and

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

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 8, 9, 11, & 17 because the proposed change in zoning from R-4 to C-1 to allow the medical office use will encourage sustainable growth with these low impact uses on a major arterial and avoid potential decline by an underutilized residential property and will continue to provide appropriate intensity around this mixed-use area by locating uses of limited intensity compatible with the area and existing infrastructure; this is also provided by the proposed private roadway through the adjacent site to create a joint access to Taylorsville Road which eliminates the current access on the adjacent tract and locates the joint access further away from Axminister Drive; the design and intensity are appropriate with adjacent uses that will serve the needs of the surrounding community due to the limited impact on the residential area by preserving Axminister Drive for residential use; the development will be compact within a larger activity center resulting in efficient land use and will take advantage of and compliment cost-effective infrastructure investment; this mixture of compatible neighborhood serving uses will reduce vehicle miles traveled and limit trips for customers and users of the site; this site is within a corridor where major support population exists and is growing rapidly; as a relatively small office complex, it will be compact and will contain acceptable/desirable office use; and sidewalks will be provided as required by the Land Development Code; and

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

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives a and c, and Policies 9, 10 and 12 because the proposed development plan will protect the surrounding neighborhoods as they will not diminish any open space or natural resources and will provide LBAs and buffers in the area of the site adjacent to residential development; the zoning change will not cause any negative impacts to any flood prone areas, wet or permeable soils or steep slopes; by providing a detention basin the stormwater management will be handled more effectively for the subject site and the adjacent property than it is currently; the proposal avoids any significant change in topography and does not cause any environmental changes or damage; the landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties; and the stormwater drainage improvements will continue to limit any issues with flooding or standing water, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development; and

*Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.*

**WHEREAS**, the proposed zone change and GDDP comply with applicable Policies 1 & 2 because there are no known historic resources on the site; the rezoning and development plan will essentially provide an infill development within the larger activity center where a large support population exists; and thus, it represents a good opportunity for continued economic development for the area in the appropriate scale and mass; and

## **MOBILITY**

*Goal 1 – Implement an accessible system of alternative transportation modes.*

**WHEREAS**, the proposed zone change and GDDP complies with applicable Objectives e and Policy 4 because the site provides sidewalks and is served by TARC routes 17 and 40; and

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

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives a, b, c & d and Policy 4 because the development plan complies with the objectives and applicable policy of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access to a major arterial (Taylorsville Road); and public transit is available; and bike racks will be provided and sidewalks will be installed in compliance with the Land Development Code; and

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

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 9 and 10 because the development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and by providing medical offices to complement a mix of neighborhood serving businesses, services and reducing vehicle miles traveled by providing the activity center with additional development in this infill situation; the plan will not burden the transportation network but will allow the site to continue to be consistent with the intent of the Neighborhood Form District, rather than a more intense commercial use; the parking proposed for the site appropriately addresses the intensity of the proposed use and the character and pattern of the Neighborhood Form District; the plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access, with bike parking provided; all required utilities are available to the site; the access to the site has been revised from the original submittal to properly align with adjacent development across Taylorsville Road and to satisfy a request from neighbors served by Axminister Drive who desire that it be preserved for residential use only; and sanitary sewers are available to the site; and

## **COMMUNITY FACILITIES**

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

**WHEREAS**, the proposed zone change and GDDP comply with applicable Policies 1, 2, & 3 because this development plan is not a community facilities plan, but it does locate development in an area currently served by existing infrastructure, with adequate water supply of potable water and with sufficient water for fire-fighting purposes and access to sewers, all so as to not burden existing or future community facilities; and

### **ECONOMIC DEVELOPMENT**

*Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.*

**WHEREAS**, the proposed zone change and GDDP complies with applicable Objectives a, c, d, f & h and Policies 2, 3, and 4 because this development plan complies with Goal 1 of Economic Development as it will provide an appropriate medical office use that improves growth, innovation, and investment opportunity for all by providing for the constructive use of an otherwise underutilized residential parcel in an infill context; it is located in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; it will also provide opportunities to area residents by providing another location with a supportive medical office component with convenient access to major arterials and roadway infrastructure without generating high volumes of traffic; and

*Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.*

**WHEREAS**, the proposed zone change and GDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center; and it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; 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 and GDDP comply with applicable Policy 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 because the development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating large amounts of new traffic for the area; it also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the increased impervious surface which improves drainage to the adjacent site as well as the subject site; landscaping will be added where required under the Land Development Code to reduce the impacts of the site to nearby residential uses; and

*Goal 2 – Ensure equitable health and safety outcomes for all.*

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives a, b, c & d and Policy 8 because the development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional medical offices and services in close proximity to existing residential development; and

*Goal 3 – Ensure equitable access to land use planning and Policy-making resources.*

**WHEREAS**, the proposed zone change and GDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes; and

*Goal 4 – Integrate sustainability and resilience in community planning processes.*

**WHEREAS**, the proposed zone change and GDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing vehicle miles travelled by providing needed medical office services; it also provides needed medical offices services in and along high capacity transit corridor of Taylorsville Road, supporting public transportation with medium intensity use; and

## **HOUSING**

**WHEREAS**, the proposed zone change and GDDP comply with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area; this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; the proposed zoning will support diversity in housing styles, mixed-income and inter-generational residency without displacing any current residents; 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 general 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 C-1 and approves the General District Development Plan.