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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: Corcoran Home Building & Remodeling, LLC, c/o Matthew Corcoran

Location: 6635 Woods Mill Drive

Proposed Use: Single-Family Residential

Engineers, Land Planners and Landscape Architects: Land Design & Development, Inc.

Request: Zone Change from R-5A to PRD

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on April 6, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the Woods of Farnsley Moorman residential community dates back to 2003 when a condominium development was approved for this site in case #9-45-01VLW and case #10-21-01; no greater number of homes is planned now than the number of condo units approved and set forth in the binding elements found in the Planning Commission's April 3, 2003 minutes; and

**WHEREAS**, this application is intended to save the Woods of Farnsley Moorman condominium community that has a good deal of the infrastructure already installed but where condominium construction came to a screeching halt when the catastrophic housing Recession occurred, which somewhat lingers to this day; the previous developer/builder ended up losing its development rights to its lender, at which point the lender tried various ways to find new builders to complete the Woods of Farnsley Moorman as a condominium community; however, that was just about impossible, in large part because the problem with condominium construction resulted from federal lending rules that were applied nationwide, not just in those states (such as Florida, Arizona and Nevada) where the real condominium crisis occurred; and

**WHEREAS**, because very little changes in what is now being presented to the Planning Commission over what was originally approved, the modest concessions that are being requested in terms of a waiver for the maximum number of contiguous units resulting from this being originally designed as an attached housing community, represent no negative impacts on the greater community or anyone living nearby and consistent with what was approved and built; complete demonstration with all applicable Guidelines and Policies of the Comprehensive Plan is being fully demonstrated, as further evidenced by the revised detailed district development plan

(RDDDP) and preliminary subdivision plans filed with this application and as further explained at the LD&T meeting and the Public Hearing in this case; and

**WHEREAS**, as part of this discussion, it is important again to know that the number of homes currently under consideration at Woods of Farnsley Moorman are the same as the number of condo units originally approved, and the traffic and transportation analysis approved at the time, considering existing infrastructure, can still accommodate both what is approved and what is proposed; and

### **GUIDELINE - 1 COMMUNITY FORM**

**WHEREAS**, the subject property lies within the Neighborhood Form District and is located on Moorman Road; the proposed PRD Subdivision is essentially the same as the originally approved Woods of Farnsley Moorman partially developed condominium development; gross density will be well less than allowed and below the high density range; the new proposed buildings will blend compatibly with the original constructed portion of the Woods of Farnsley Moorman development; and the rezoning will not result in any additional residential from the original approved for the property; and

**WHEREAS**, perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC); all buffering and other compatibility issues were addressed with the original RDDDP approval and as partially constructed, with only modest changes being made as part of this proposed RDDDP; and

### **GUIDELINE – 2 CENTERS**

**WHEREAS**, the application complies with the overall Intents of and specifically with Policies 1, 4, 5, 6, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because the proposal is very similar to the originally approved, and partially constructed, condominium development part of the prior rezoning; this proposal will allow the stalled condominium development to again move forward and be fully constructed; all condominium owners agreed to the partition of the remaining property from the condominium regime evidenced by their signatures on the partition documents as recorded; future residents will also support the businesses and services in nearby activity centers to the east and along Dixie Highway; and parking is compact and will be provided on the individual lots in the subdivision in driveways and garages; internal open space areas are included on the RDDDP; and

### **GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22 and 23 of Guideline 3 because this residential subdivision is almost the same as the original condominium development originally approved and anticipated and adds to the mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials with the neighboring properties and with the partially development Woods of Farnsley Moorman condominium property; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area or as originally proposed; setbacks will include compatible side and rear yards, and the tree canopy and

landscape regulations will apply; and the RDDDP/preliminary subdivision plan, presented with this application and at the public hearing, demonstrate all that; and

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

**WHEREAS**, the proposed subdivision complies with all applicable Intents and Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 because, unlike most standard single-family subdivisions, this one includes some 3.3 acres of open space on a site just 13 acres in size, conserving some natural resources and features, providing for passive outdoor activities off residents' individual home lots; that assures for better buffers and a far superior neighborhood feel; the homeowners association will maintain these open areas; and there are no historic resources on the site; and

**GUIDELINE 6 – MARKETPLACE**

**WHEREAS**, the proposed subdivision complies with all of the applicable Intents and Policies 2, 3, and 11 of Guideline 6 because this proposed subdivision helps to ensure the availability of residential building lots where lots are in demand; the existing condominium regime has been stalled forever, and no parties came forward to acquire the developer rights to continue the existing condominium development while the property was owned/controlled by the Bank; now the applicant controls the site which is surrounded by like-kind subdivisions, which makes it an infill single-family residential site, appropriate for the area in a community where new single-family housing is in demand; this property is also in a somewhat older area of town in need of new residential housing to serve the businesses on Dixie Highway corridor; and all owners agreeing to partition this property from the condominium regime also keeps those owners from having exceptionally high assessments to maintain a large property in a regime without sufficient units to pay for the maintenance of same; and

**GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY**

**WHEREAS**, the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 12, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 because the original approved condominium development had private roads, many of which were built many years ago; the current proposed subdivision uses these partially developed existing roads as previously recorded via private access easements; sidewalks are already constructed along the frontage of the property and through the developed portion of the condominium regime; sidewalks will be installed in the subdivision as shown on the proposed RDDDP/subdivision plan; where sidewalks have been constructed, where public transit could exist, although probably doesn't (as that is determined by TARC alone, not the applicant and not the Planning Commission), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions; further, this subdivision has been reviewed by Metro Transportation Planning Services personnel, who gave their stamp of preliminary approval prior to its docketing for Planning Commission review; that assures that all of these applicable Public Works standards are complied with, including Policies of the 2020

Land Development Code (LDC); and all required right of way was previously dedicated and will meet at Public Works and Transportation Planning requirements; and

**WHEREAS**, the proposed subdivision will assure that both existing Tierney Avenue access and new subdivision streets continue and are constructed to operate safely and function pretty much as previously approved because a low traffic-generating use is proposed here; thus, all negative traffic impacts are avoided with this development; and, as noted, design of the site, as shown on the RDDDP/preliminary subdivision plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties and streets is desired and as may be allowed in order to assure that no, or limited, cut-through traffic adversely affects this proposed subdivision or within adjoining ones as previously approved; and

### **GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

**WHEREAS**, the proposed subdivision complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD will require that post-development peak rates of stormwater runoff do not exceed pre-development peak flows, which is accomplished through on-site detention; thus, new impervious areas will not have a negative impact on existing stormwater systems; also, MSD has given its stamp for preliminary approval the RDDDP before it was set for Planning Commission review; and at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

### **GUIDELINE 13 – LANDSCAPE CHARACTER**

The proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses; and the LDC will be fully complied with; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-5A to PRD and approves the Detailed District Development Plan.

Waiver Findings of fact

Waiver of Section 5.3.1.D.1.b.vi to allow more than 4 contiguous units

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the originally approved, and partially constructed, Woods of Farnsley Moorman condominium development had up to 6 contiguous units throughout the development, which this proposal is intended to finish; four of the five currently constructed condominium regime buildings, which this property is a part of have 6 contiguous units, the last existing building has 4 contiguous buildings; and the just continues the existing development scheme; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application and approved detailed district development plan for Woods of Farnsley Moorman; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver request is to continue the development as it was originally approved as a condominium regime and will match the existing constructed buildings; the only reason this requires a waiver is because of the change of ownership from a condominium regime to a PRD subdivision where the owners own their lot and home rather than the interior enclosed space, otherwise, the waiver is not required; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would prohibit the applicant from continuing to construct the buildings as they were originally constructed by virtue of the change of ownership to lots from condominium units;

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