

Louisville Metro Planning Commission - August 5, 2021
Louisville Metro Land Development & Transportation Committee - July 8, 2021
Neighbor Meeting - March 2, 2021

Docket No. 21-ZONE-0023

Proposed Subdivision and zone change from R-4 to R-5 to allow a 117-lot subdivision on 23.5 +/- acres on property located at 7507 1/2 & 7509 Mount Washington Road to be known as Parkside at Mount Washington Road Section 4



Attorneys: Bardenwerper Talbott & Roberts, PLLC
Received Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates
Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC 21-ZONE-0023

Index

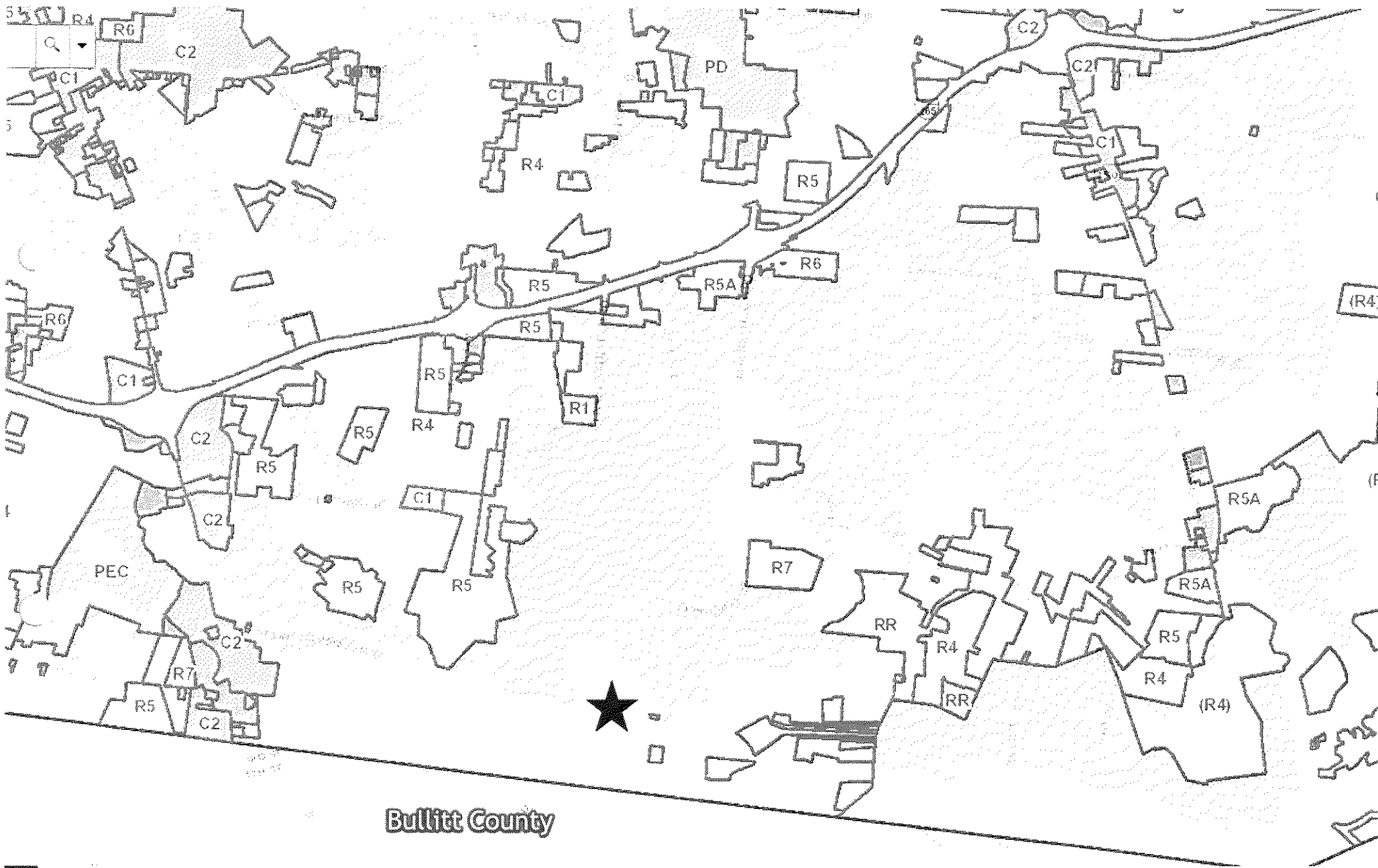
1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Traffic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

TAB 1
LOJIC ZONING MAP

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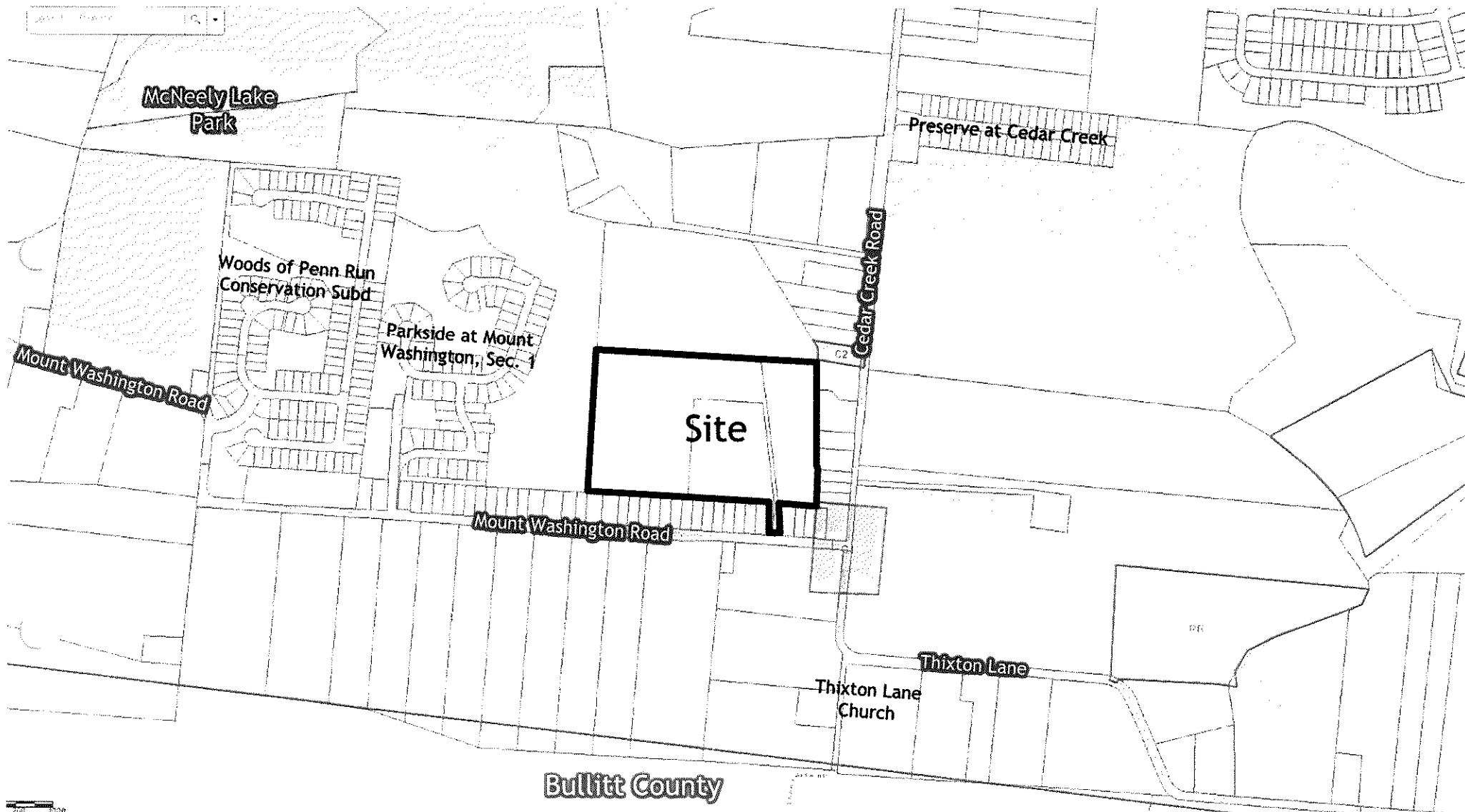


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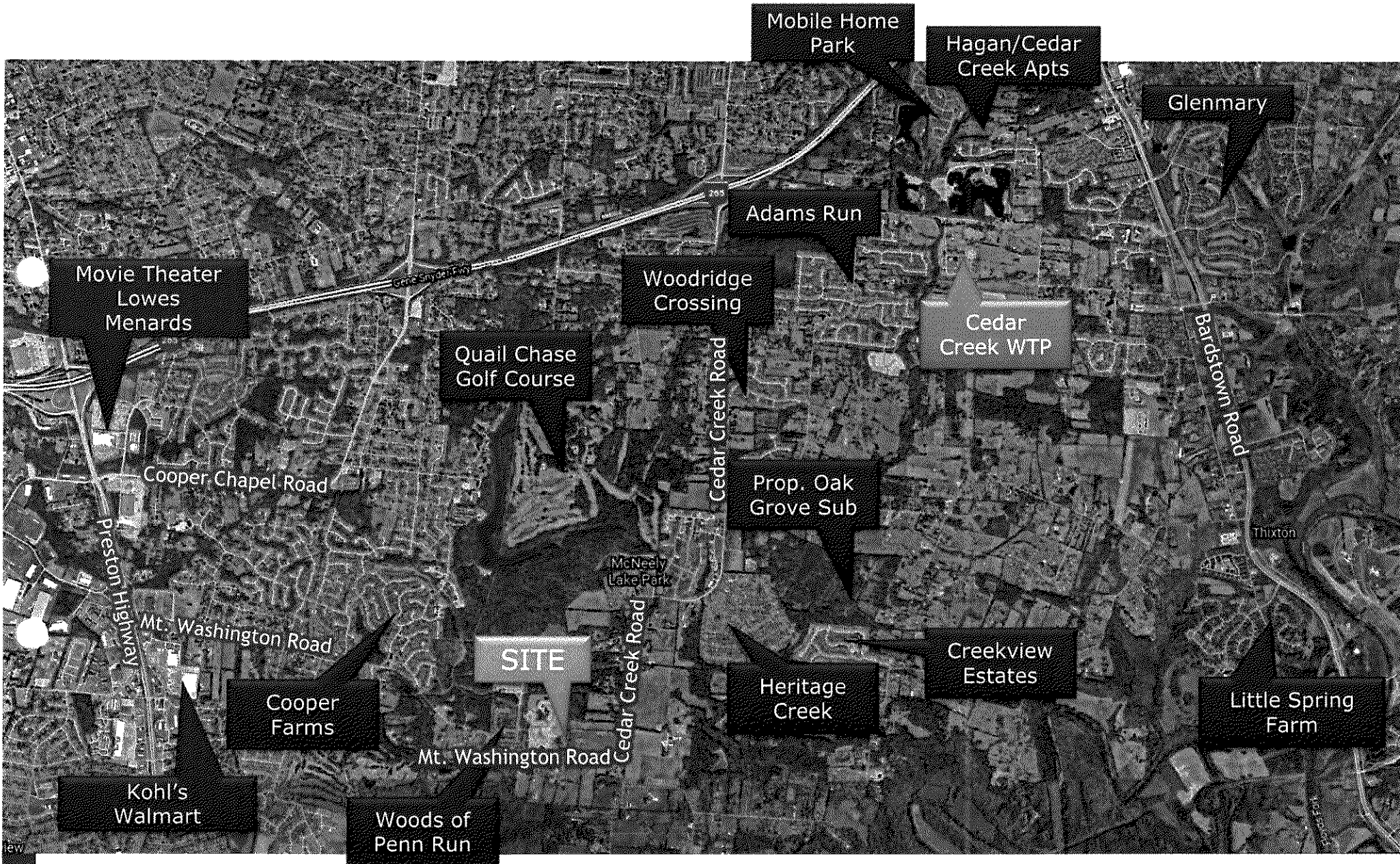
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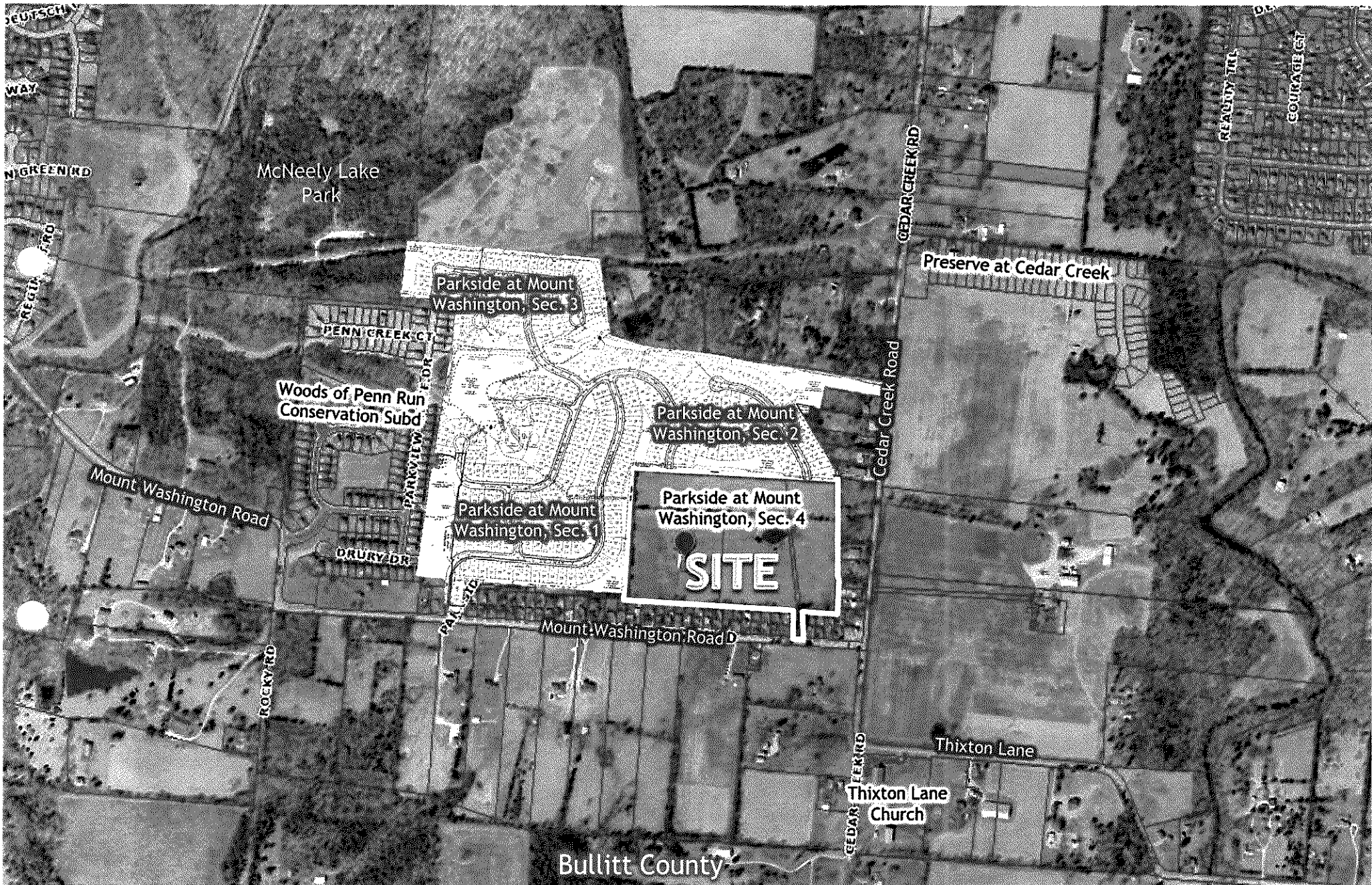
TAB 2
AERIAL PHOTOGRAPH OF THE SITE
AND SURROUNDING AREA

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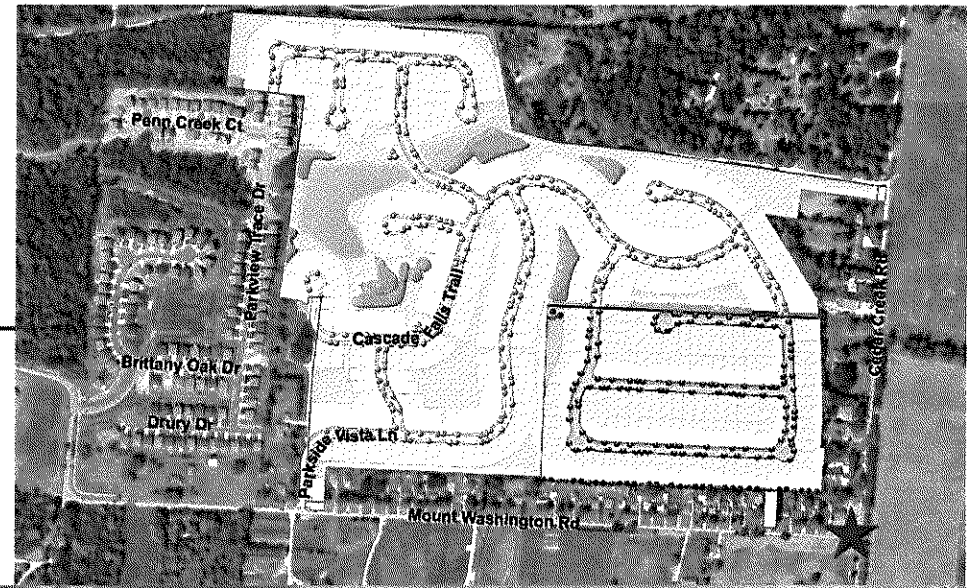
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TAB 3
GROUND LEVEL PHOTOGRAPHS OF
THE SITE AND SURROUNDING AREA

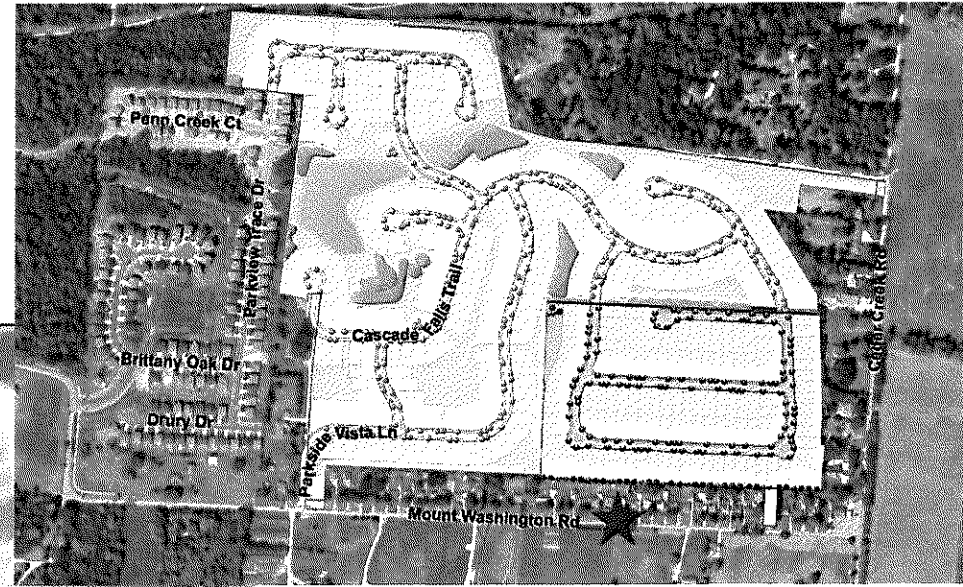
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Looking northwest from the Mt. Washington & Cedar Creek Roads intersection



View of homes along Mt. Washington Road. Site is located behind these homes.

TAB 4
NEIGHBORHOOD MEETING NOTICE
LIST MAP, LETTER TO NEIGHBORS
INVITING THEM TO THE MEETING
AND SUMMARY OF MEETING

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Adjoining property owner notice list map wherein 87 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



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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

John C. Talbott
Email: john@bardlaw.net
Mobile: (502) 741-8783

February 16, 2021

RE: Neighborhood meeting for proposed subdivision and zone change from R-4 Residential to R-5 Residential on approximately 23.5 acres of property located at the northwest corner of the Mount Washington and Cedar Creek Roads intersection at 7507 ½ & 7509 Mt. Washington Road and parcel ID 00860181

Dear Neighbor:

We are writing to notify you about an upcoming “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 client, Rocco Pigneri with Ball Homes, LLC is seeking a subdivision approval with a rezoning from R-4 Residential to R-5 Residential on the property referenced above. The project is proposed to consist of up to 117 lots on approximately 23.5 acres. As such, a plan has been filed for pre-application review with the Metro Planning and Design Services (PDS) that has been assigned case number **21-ZONEPA-0007** and case manager **Dante St. Germain**.

The virtual meeting will be held on **Tuesday, March 2nd** beginning at **6:30 p.m.**

Enclosed for your review are the following:

1. The development plans
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 manager listed on the attached contact information sheet.

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

Sincerely,



John C. Talbott

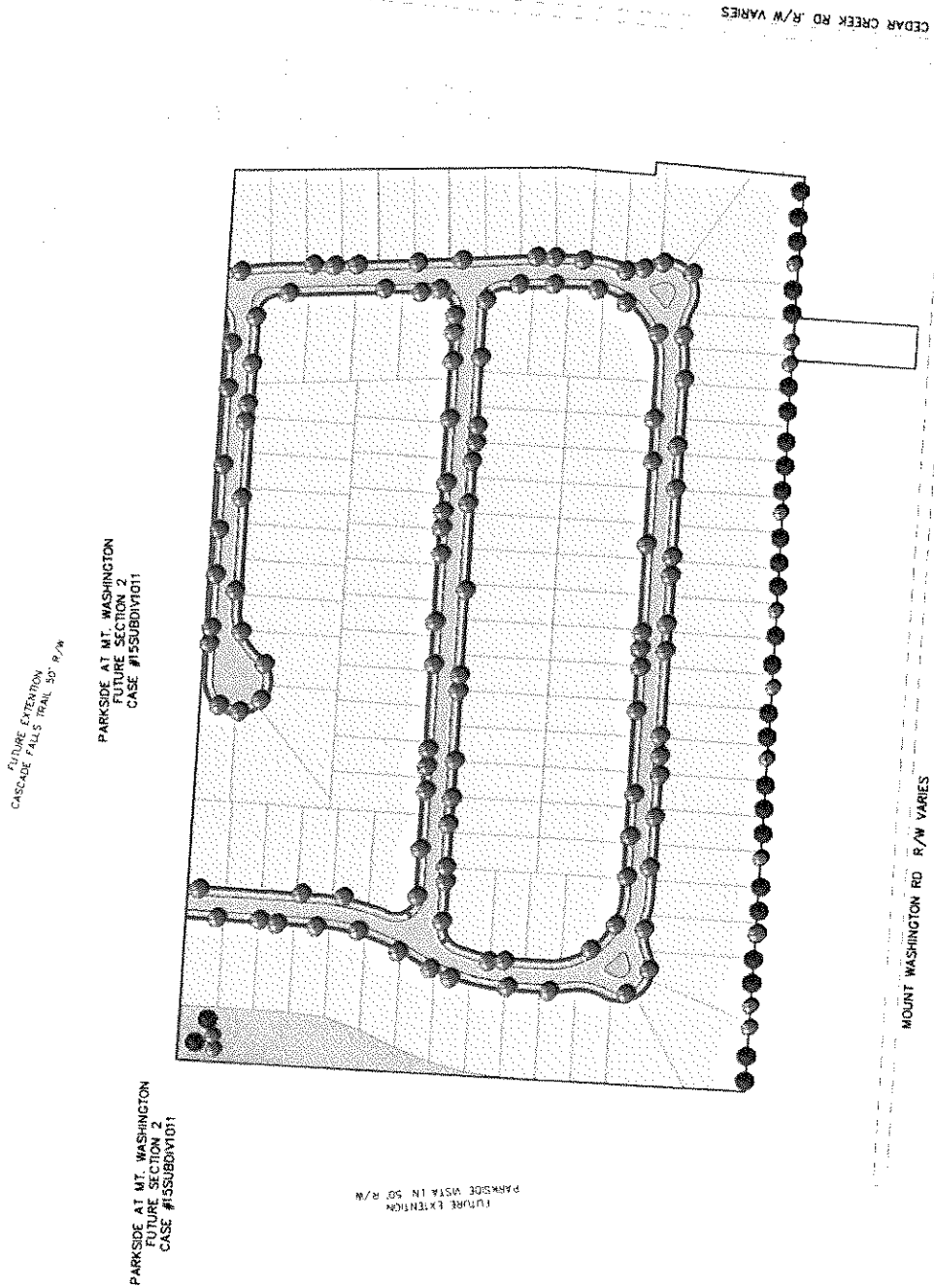
cc: Hon. James Peden, Councilman, District 23
Dante St. Germain, Planning & Design Case Manager
David Mindel & Kathy Linares, land planners with Mindel, Scott & Associates, Inc.
Rocco Pigneri, applicant with Ball Homes, LLC

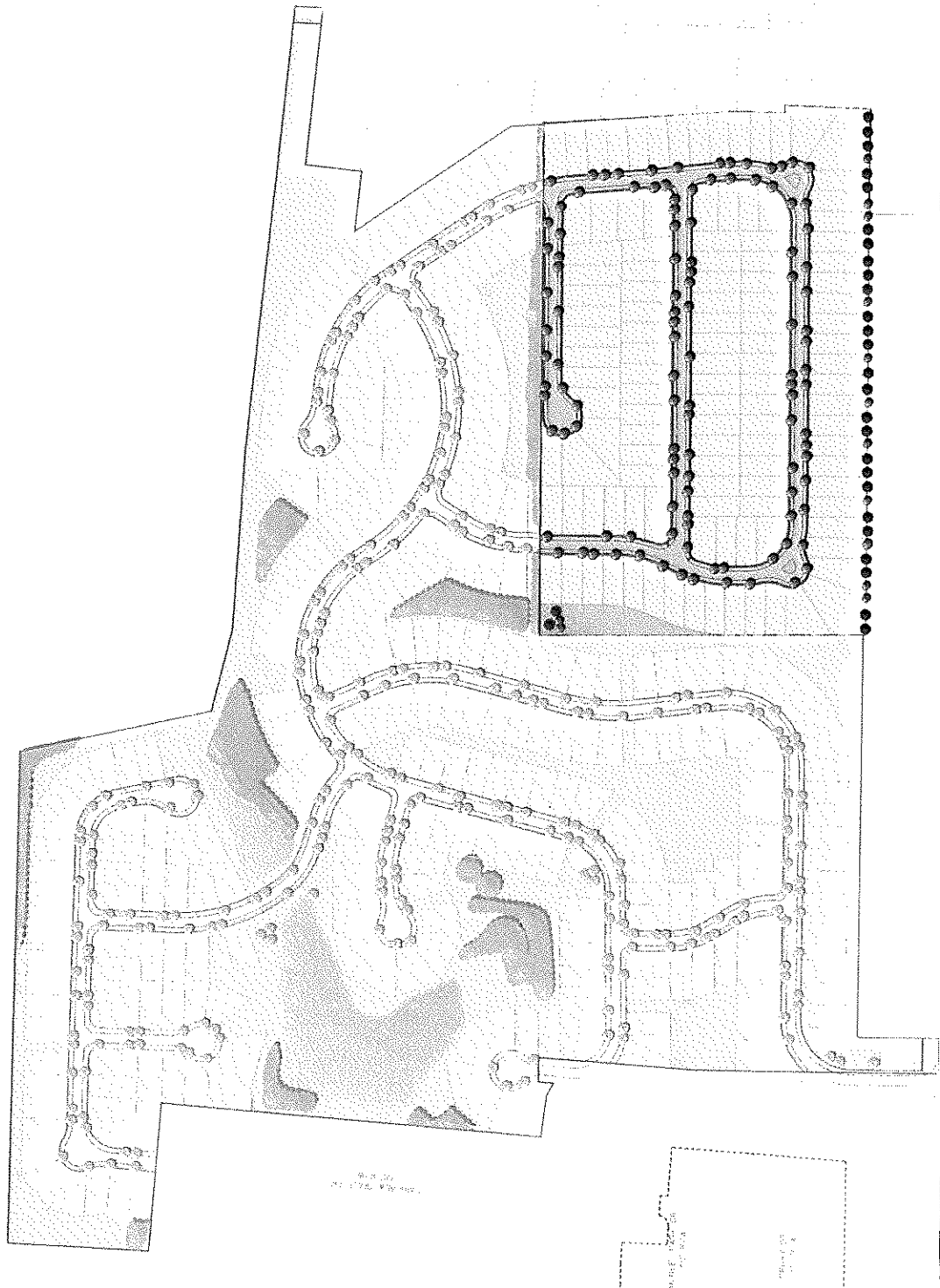
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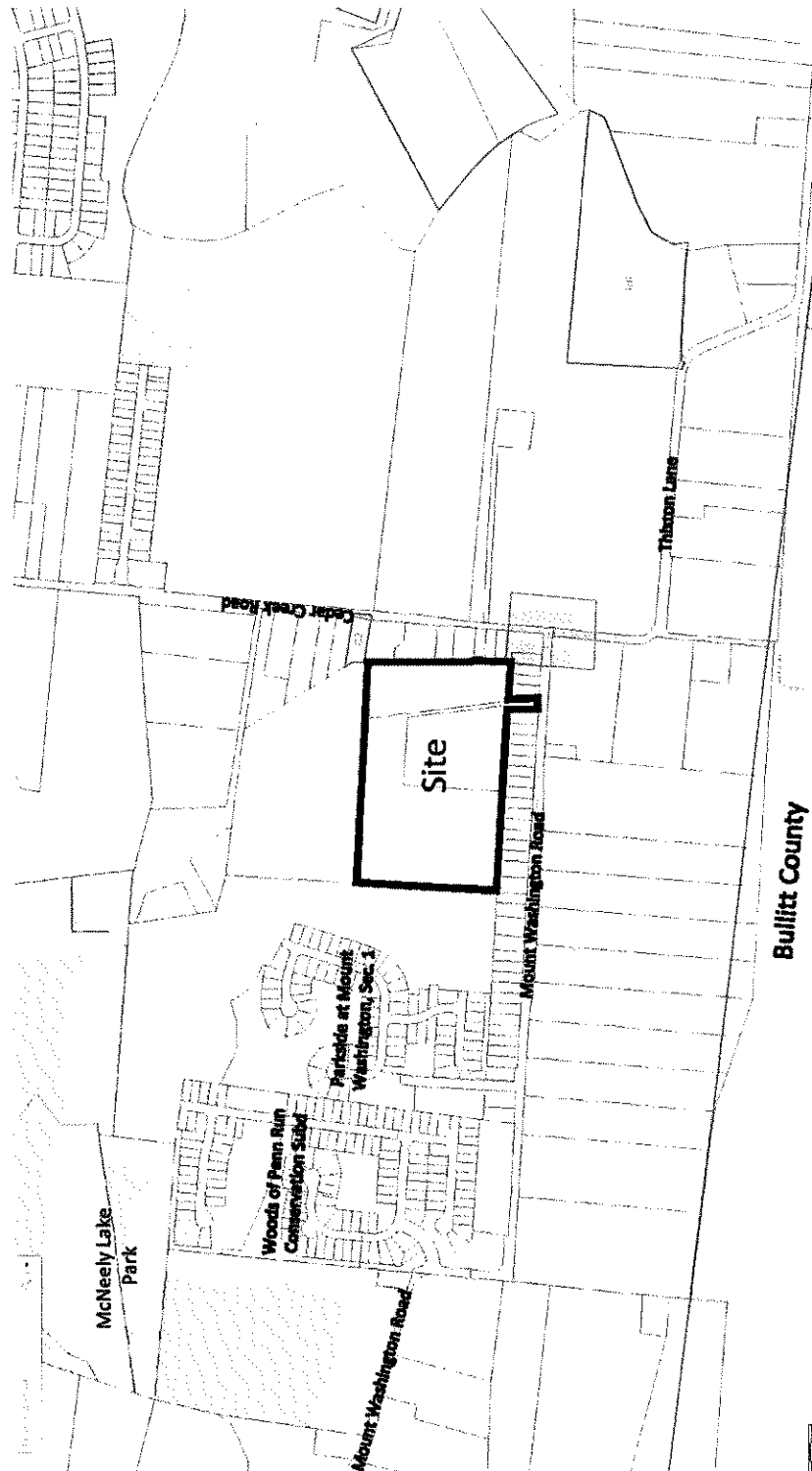
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DEVELOPMENT PLANS





LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

Our client, Rocco Pigneri with Ball Homes, LLC is seeking a subdivision approval with a rezoning from R-4 Residential to R-5 Residential on the property referenced above. The project is proposed to consist of up to 117 lots on approximately 23.5 acres. As such, a plan has been filed for pre-application review with the Metro Planning and Design Services (PDS) that has been assigned case number **21-ZONEPA-0007** and case manager **Dante St. Germain**.

The property is located on the north side of Mt. Washington Road at Cedar Creek Road, as shown on the attached "LOJIC Site Location" attachment. The present zoning is R-4, the proposed zoning change is to R-5. The form district is Neighborhood Form District with no proposed change thereto.

Landscaping, screening and buffering will contain at least the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC). Greater detail on this should be available at the time of the neighborhood meeting, which should also include details on the plan for preservation of trees and other vegetation. A tree preservation plan basically accomplishing this 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 connect to the Derek Guthrie Wastewater Treatment Plant by Lateral Extension Agreement.

A traffic impact study (TIS) is being prepared by Diane Zimmerman, Traffic Engineer. When completed, it will be available, like everything else pertaining to this proposed project, on the PDS customer service portal. The access points for the proposed development will be through the road network for the other recent developments to the north. Our plan is not to bring access to the site through Mt. Washington, but Planning and Design Services and Public Works may require that we do so during the formal review process.

Storm water will be directed to detention/compensation basin on adjacent Parkside at Mt. Washington subdivision, once capacity is verified. Post-development peak flows will not exceed pre-development peak flows from development.

NOTICE OF POTENTIAL SUBDIVISION/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 subdivision/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., 2nd Floor
Louisville, KY 40223
Attn: John C. Talbott – (502) 741-8783
john@bardlaw.net*

2. ENGINEERING FIRM

*Mindel Scott & Associates, Inc.
5151 Jefferson Blvd.
Louisville, Kentucky 40219
Attn: David Mindel or Kathy Linares – (502) 485-1508
dmindel@mindelscott.com or klinares@mindelscott.com*

3. APPLICANT

*Ball Homes, LLC
13301 Magisterial Drive
Louisville, KY 40223
Attn: Rocco Pigneri – 429-6898
rpigneri@ballhomes.com*

4. CASE MANAGER OR SUPERVISOR

*Dante St. Germain, Planning & Design Case Manager
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone

Ball/Parkside NM

Tue, Mar 2, 2021 6:30 PM - 8:30 PM (EST)

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

<https://global.gotomeeting.com/join/549995589>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 549-995-589

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

<https://global.gotomeeting.com/install/549995589>

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 or Nanci Dively at nsd@bardlaw.net

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

John C. Talbott, Esq. – (502) 741-8783

john@bardlaw.net

Bardenwerper, Talbott & Roberts, PLLC

David Mindel and/or Kathy Linares – (502) 485-1508

dmindel@mindelscott.com or klinares@mindelscott.com

Mindel Scott & Associates, Inc.

Dante St. Germain, Planning & Design Case Manager

(502) 574-4388

Dante.St.Germain@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

A virtual neighborhood meeting was held on March 2, 2021 at 6:30 pm. Those in attendance included the applicant's representatives, John C. Talbott, attorney with Bardenwerper, Talbott & Roberts, and David Mindel, land planner and engineer with Mindel Scott & Associates, as well as the Rocco Pigneri, on behalf of Ball Homes, the Louisville Operations Manager.

The meeting began with John Talbott showing powerpoint presentation of the area and nearby development. Everyone in the room lived close to or adjacent to the development so they were intimately familiar with the area.

The major issues raised by neighbors were primarily distance between the homes along Mt. Washington Road and the homes backing up to those homes in the new development which was estimated to be about 148 feet because those lots are slightly deeper than the others in the subdivision. There were some questions about the entrances to this phase of the subdivision as well as the two entrances to the subdivision as a whole. Some neighbors did not want an entrance along Cedar Creek Road and it was explained that there would not be one. Some also had concern about the one lot connecting to Mt. Washington Road becoming an entrance. It was explained that no entrance would be placed on that lot (where a dirt entrance now exists). That lot will be developed with a home which is not part of the subdivision HOA.

David Mindell explained how stormwater is handled through on-site detention, assuring that post-development peak rates of runoff to will not exceed pre-development conditions.

The applicant's corporate representative, Rocco Pigneri, further explained the types of homes and materials used to build them would be very similar to the homes currently being built in the adjacent subdivision sections.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted DDDP and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

Mr. Talbott also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.

Respectfully submitted,

TAB 5
DEVELOPMENT PLAN

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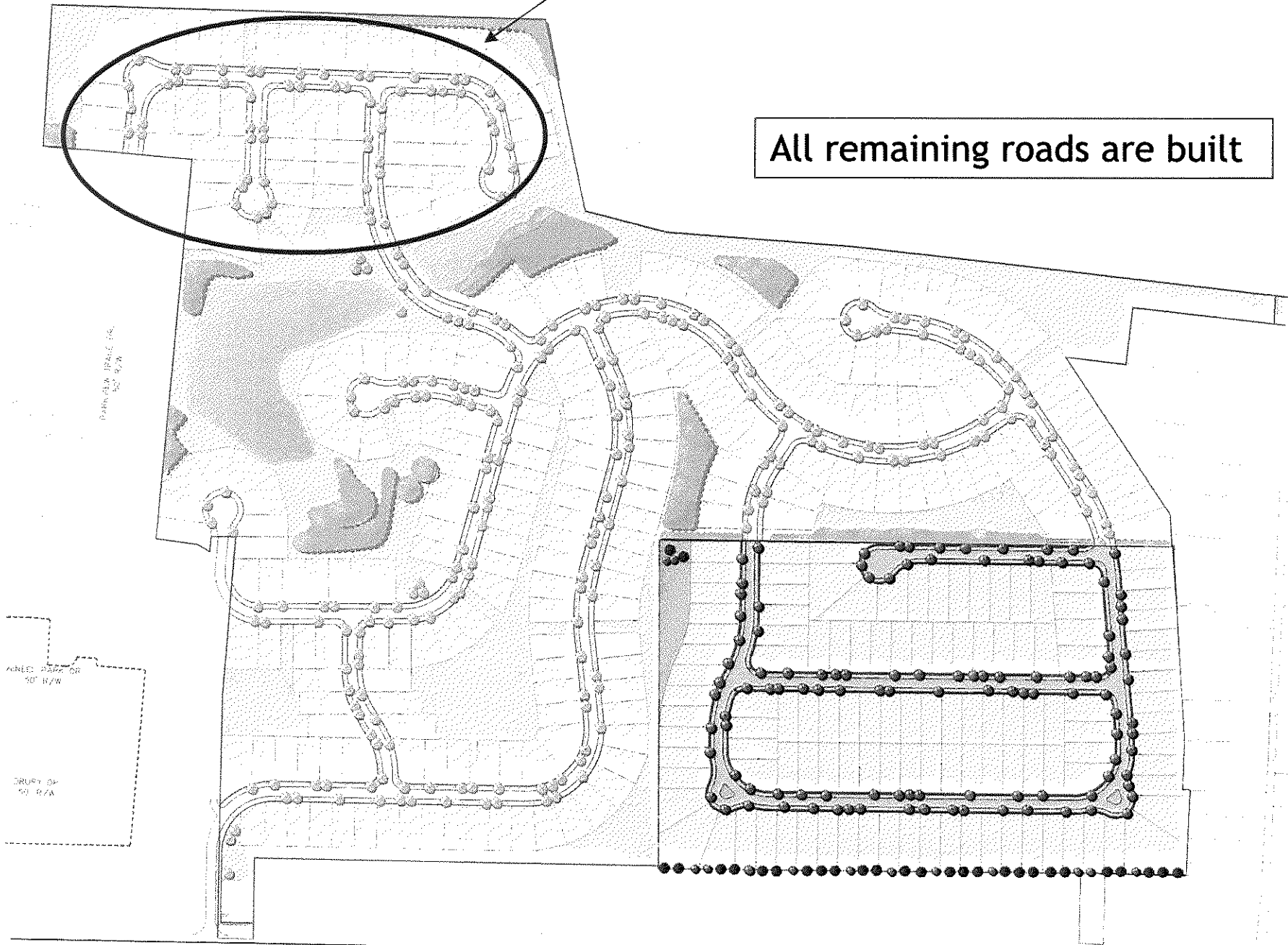
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Roads in circle not yet built

All remaining roads are built

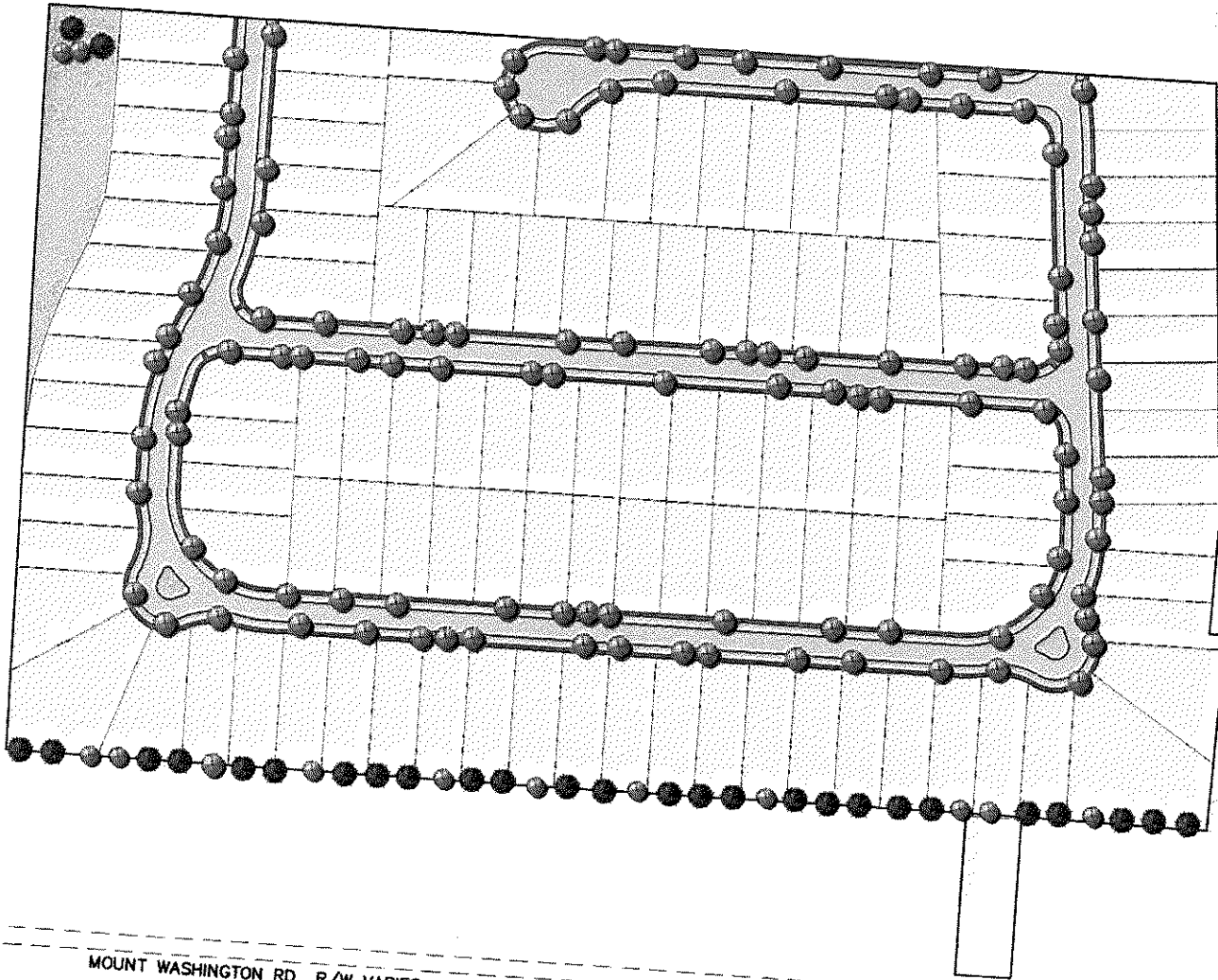


FUTURE EXTENTION
CASCADE FALLS TRAIL 50' R/W

PARKSIDE AT MT. WASHINGTON
FUTURE SECTION 2
CASE #15SUBDIV1011

PARKSIDE AT MT. WASHINGTON
FUTURE SECTION 2
CASE #15SUBDIV1011

FUTURE EXTENTION
PARKSIDE VISTA LN. 50' R/W



MOUNT WASHINGTON RD R/W VARIES

CEDAR CREEK RD R/W VARIES

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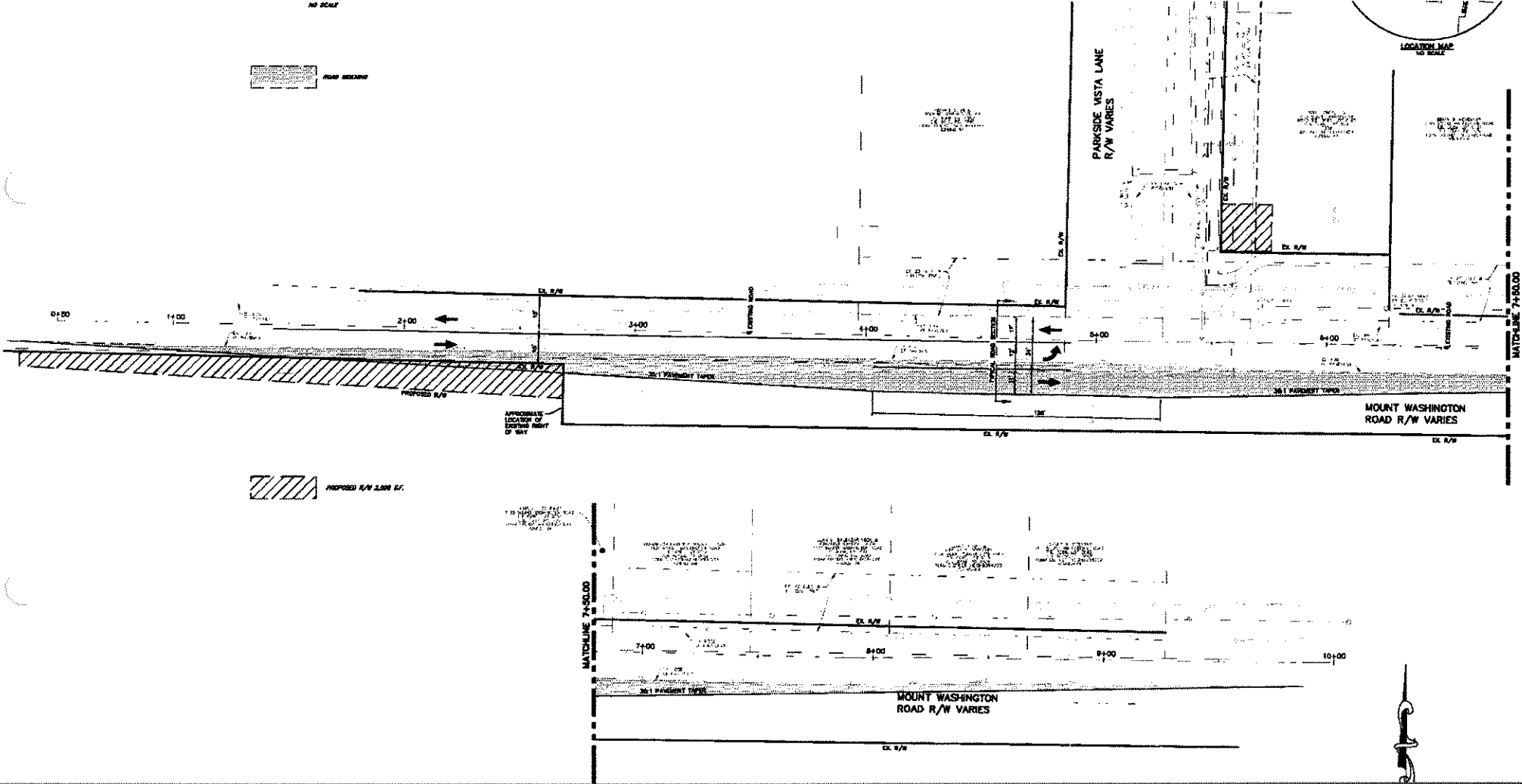
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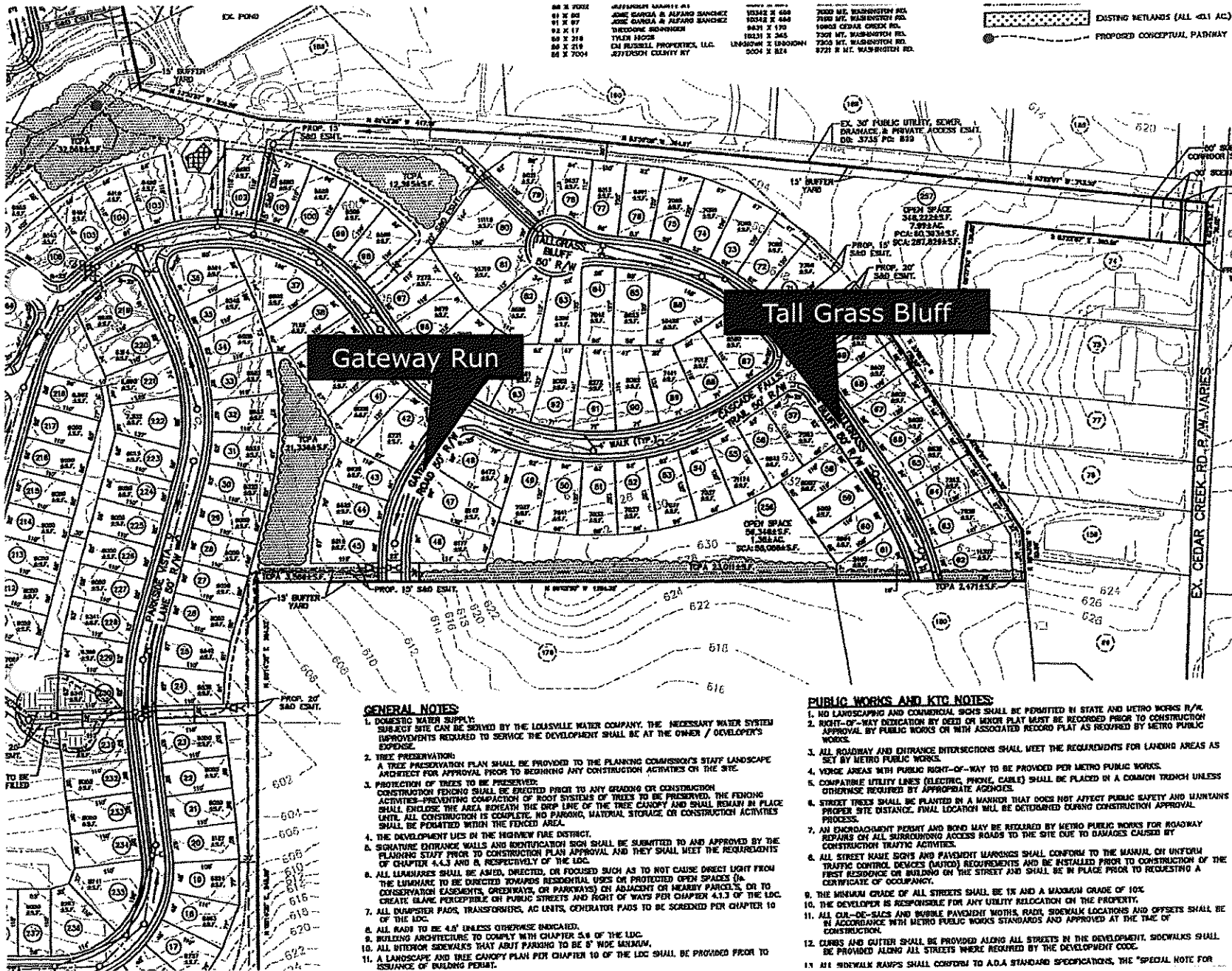
NO SCALE

EXISTING ROAD

LOCATION MAP
NO SCALE



Left turn lane at Parkside Vista Lane entrance to Section 1



00 X 2024	JEFFERSON COUNTY RT	0000 X 0000	7000 W WASHINGTON RD
01 X 001	JOSIE GARCIA & ALFARO SANCHEZ	10000 X 600	7100 W WASHINGTON RD
01 X 007	JOSIE GARCIA & ALFARO SANCHEZ	10000 X 600	7200 W WASHINGTON RD
02 X 117	THEODORE SCHWENK	9000 X 170	10000 CEDAR CREEK RD
03 X 218	TYLER HOPKINS	10000 X 200	7300 W WASHINGTON RD
04 X 218	DA RUSSELL PROPERTIES, LLC	10000 X 200	7400 W WASHINGTON RD
05 X 7004	JEFFERSON COUNTY RT	5000 X 200	7500 W WASHINGTON RD

EXISTING WETLANDS (ALL <0.1 AC)
 PROPOSED CONCEPTUAL PATHWAY

Gateway Run

Tall Grass Bluff

PARKSIDE
 RESERVED
 STREET
 NAMES

GENERAL NOTES

- DOMESTIC WATER SUPPLY: SUBCUT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER / DEVELOPER'S EXPENSE.
- TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
- PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE INSTALLED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES - PREVENTING REMOVAL OF ROOT SYSTEMS OF TREES TO BE PRESERVED. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DROP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
- THE DEVELOPMENT LIES IN THE HIGHWAY FIVE DISTRICT.
- SIGNATURE ENTRANCE WALLS AND IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND THEY SHALL MEET THE REQUIREMENTS OF CHAPTER 4.4.3 AND 4.4.4, RESPECTIVELY OF THE LDC.
- ALL LIGHTS SHALL BE ASHED, DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (i.e. CONSERVATION EASEMENTS, GREENWAYS, OR PARKWAYS) OR ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE, PERCEPTIBLE ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC. GREAT GLARE, PERCEPTIBLE ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC.
- ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCHEDULED PER CHAPTER 10 OF THE LDC.
- ALL RAMP TO BE 4:5' UNLESS OTHERWISE INDICATED.
- BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.6 OF THE LDC.
- ALL INTERIOR SIDEWALKS THAT ADJUT PARKING TO BE 6" WIDE MINIMUM.
- A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.

PUBLIC WORKS AND KTC NOTES

- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS R/W.
- RIGHT-OF-WAY DEDICATION BY DEED OR MORTGAGE MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS OR WITH ASSOCIATED RECORD PLAT AS REQUIRED BY METRO PUBLIC WORKS.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- VOIDS AREAS WITH PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
- COMPARISON UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
- AN ENFORCEMENT PERMIT AND BOND MAY BE REQUIRED BY METRO PUBLIC WORKS FOR ROADWAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
- ALL STREET NAME SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS AND BE INSTALLED PRIOR TO CONSTRUCTION OF THE FIRST RESIDENCE OR BUILDING ON THE STREET AND SHALL BE IN PLACE PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY.
- THE MINIMUM GRADE OF ALL STREETS SHALL BE 1% AND A MAXIMUM GRADE OF 10%.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
- ALL CURB-DE-SACS AND BUBBLE PAVEMENT MOTHS, RAMP, SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
- CURBS AND GUTTER SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE DEVELOPMENT CODE.
- ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR..."

SITE DATA

FORM DISTRICT	R-4	MINIMUM AVERAGE LOT SIZE	8,500 S.F.
EXISTING ZONING	VACANT	AVERAGE BUILDABLE LOT SIZE	8,693 S.F.
EXISTING LAND USE	SINGLE FAMILY RES	FLOOR AREA RATIO MAX	0.5
PROPOSED LAND USE	74,434 AC (3,242)	LOTS <10,000 S.F.	1.5
CROSS LAND AREA	83,194 AC (2,752)	CONSERVATION SPACE REQUIRED	22,334 A.C. (972)
BUILDABLE LOTS	254	CONSERVATION SPACE PROVIDED	22,662 A.C. (996)
NON-BUILDABLE LOTS	6	PRIMARY CONSERVATION AREA	4,936 A.C. (214)
NET LAND AREA	3,414 DU/AC	SECONDARY CONSERVATION AREA	17,934 A.C. (214)
NET DENSITY	4,094 DU/AC	(H.A.C. AREAS LESS THAN 30' BY 30' WITH OR <1000 SF.)	
TOTAL OPEN SPACE	22,994 A.C. (1,001)		

DIMENSIONAL STANDARDS

MINIMUM AVERAGE LOT SIZE	8,500 S.F.
AVERAGE BUILDABLE LOT SIZE	8,693 S.F.
FLOOR AREA RATIO MAX	0.5
LOTS <10,000 S.F.	1.5
CONSERVATION SPACE REQUIRED	22,334 A.C. (972)
CONSERVATION SPACE PROVIDED	22,662 A.C. (996)
PRIMARY CONSERVATION AREA	4,936 A.C. (214)
SECONDARY CONSERVATION AREA	17,934 A.C. (214)
(H.A.C. AREAS LESS THAN 30' BY 30' WITH OR <1000 SF.)	

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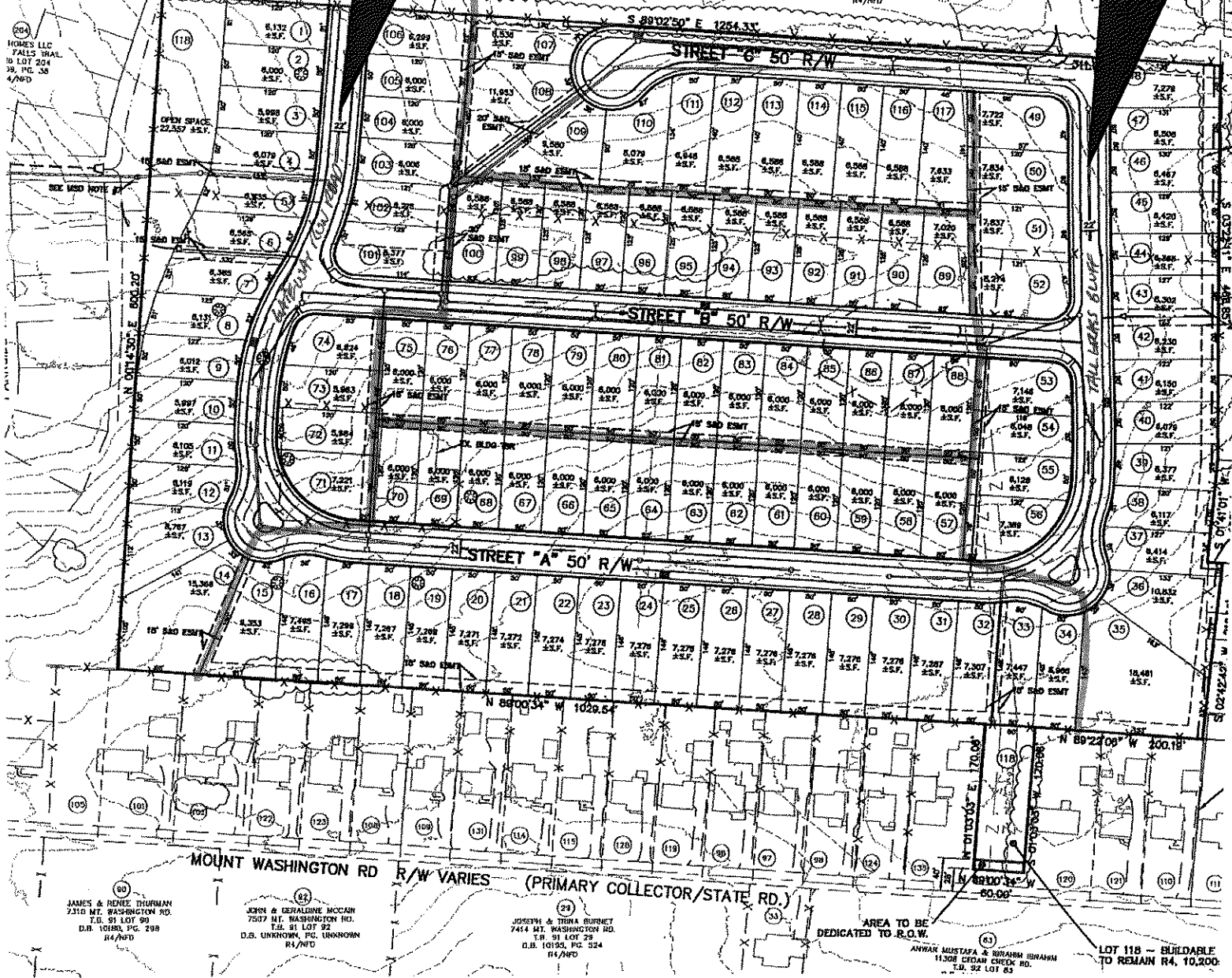
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M.I. WASHINGTON
SECTION 2
SUBDIVISION

Gateway Run

Tall Grass Bluff



ADDRESS ASSIGNMENTS

STREET	LOTS ASSIGNED TO THIS STREET
GATEWAY RUN ROAD	1-14; 71-74; 101-106
STREET A	15-34; 57-70
STREET B	75-100
STREET C	107-117
TALL GRASS BLUFF	35-56

PARKING 4
7/13/21

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TAB 6
BUILDING ELEVATIONS

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TREND *Collection* ——— Barclay Point ———



ELEVATION A



ELEVATION B

TREND
Collection

Bayberry Lane



ELEVATION A



ELEVATION B



TREND
Collection

Bedford Hill



ELEVATION A



ELEVATION B

TREND
Collection

Dover Glen



ELEVATION A



ELEVATION B

TREND *Collection*

Gaines Mill



ELEVATION A



ELEVATION B

TREND *Collection* Granite Coast



ELEVATION A



ELEVATION B

TREND *Collection* — Haywood Park —



ELEVATION A



ELEVATION B



ELEVATION C

TREND *Collection*

Laurel Square



ELEVATION A



ELEVATION B

TREND
Collection

Newbury Cross



ELEVATION A



ELEVATION B

TREND
Collection

Oak Bluff



ELEVATION A



ELEVATION B



ELEVATION C

TREND
Collection

Sutton Bay



ELEVATION A



ELEVATION B



TREND *Collection* — Sycamore Bend —



ELEVATION A



ELEVATION B



ELEVATION C

TREND *Collection* — Victoria Point —



ELEVATION A



ELEVATION B

TAB 7
TRAFFIC STUDY

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final report

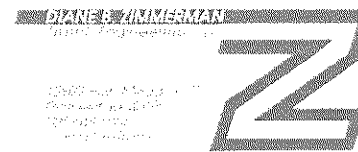
May 9 2021

Traffic Impact Study

Parkside Extension
7507 Mt. Washington Road (KY 2053)
Louisville, KY

Prepared for

Louisville Metro Planning Commission



Received July 30, 2021

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**TAB 8
STATEMENT OF COMPLIANCE
FILED WITH THE ORIGINAL
ZONE CHANGE APPLICATION
WITH ALL APPLICABLE GOALS
OF THE 2040 PLAN AND
WAIVER JUSTIFICATION**

Received July 30, 2021

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

Applicant: Ball Homes, LLC
Atlas Metal Investment Corp.; John Andrew Keith
Owners: Living Trust; and Joe & Doris Keith
Project Name/Location: Parkside / 7509 & 7507 ½ Mt. Washington Road
Proposed Use: Single family residential subdivision
Request: Zone Change from R-4 to R-5
Engineers, Land Planners, Landscape
Architects: Mindel Scott & Associates, Inc.

PLAN ELEMENT 4.1: COMMUNITY FORM

This "Application Package" complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following applicable Policies.

As to Goal 1 and its applicable Policies 2, 2.1, 3.1.3, 4, 5, 6, 9 10, 11, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below:

The subject property which is located in the Neighborhood Form Districts, is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback. Pedestrian and bicycle accommodations should also be provided. This proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed. The site is planned with 117 residential lots versus approximately 110 which could be permitted under R-4. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations. Furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5 or comparable.

Land Development Code (LDC) height, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will also be met.

Ball Homes' reputation as a quality builder of both standard style homes within this proposed subdivision plus the traditional styles and designs of their anticipated construction will assure compatibility with adjoining and nearby single family home communities.

As a consequence of what surrounds this site and the fact that this is a proposed residential community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. As a residential community itself, there's no reason to expect this subdivision would be designed with the kinds of negative impacts that would ordinarily harm the quiet enjoyment of home owners, naturally including those who will reside here.

As to Goal 2 and its possibly applicable Policies 1, 2, 3, 7, 8, 13, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:

As said, this proposed subdivision is located in a Neighborhood Form District, proximate to already existing activity centers, workplaces and existing and planned parochial and private schools. As such, with decent enough external roads leading to and from the proposed development site, these centers of commercial, employment and educational activity will benefit from greater demand generated by more housing such as that resulting from this proposed subdivision. Also, this proposed subdivision will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education at the referenced nearby locations.

As to Goal 3 and its applicable Policies 1, 2, 3, 6, 7, 8, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below:

The preliminary subdivision plan (PSP) filed with the rezoning application for this proposed subdivision includes open natural and communal spaces for the passive aesthetic and active recreational use by residents and will also be able to benefit from the open spaces of the adjoining subdivision approvals. Those open spaces will be maintained in perpetuity by the community association that will be established as part of the specially tailored Covenants, Conditions and Restrictions ultimately imposed upon this subdivision.

As to Goal 4, this is not a historic site with historic buildings.

As to Goal 5, this proposed subdivision is not public enough, like a shopping center might be, to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its Goals and their Objectives plus the following applicable Policies.

As to Goal 1 and its applicable Policies 1 and 3; Goal 2 and its applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

This subdivision is situated on a primary collector street (Mt. Washington Road) where sewer, water and other utilities already exist, and where road capacity exists. Further, this PSP will be reviewed by Metro Transportation Planning and Public Works personnel, who must stamp the PSP for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC).

In that regard, the proposed PSP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets to function at relatively low volumes, as neighborhood serving streets are expected to function. Thus, negative internal traffic impacts are avoided with this proposed subdivision. And, as noted, design of the site, as shown on the PSP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required. Possible road improvements, if any, have yet to be determined. Any off-site roadway improvements will, of course, need to meet the "essential nexus" and "rough proportionality" test.

All drive lanes, sidewalks and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the PSP filed with this application.

TARC service is generally unavailable in areas like this PSP.

Further, all necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application complies with Plan Element 4.3, its Goals and their Objectives plus the following applicable Policies.

As to Goal 2 and its applicable Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

This subdivision is situated on a primary collector street where sewer, water and other utilities already exist, and where road capacity exists.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following applicable Policies.

As to Goal 2 and its applicable Policy 1, it complies as follows, in addition to the other ways set forth above and below:

This land is surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family

housing is in greatest demand. As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed subdivision is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

PLAN ELEMENT 4.5: LIVABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following applicable Policies.

As to Goal 1 and its applicable Policies 2, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, it complies as follows, in addition to the other ways set forth above and below:

MSD will require that post-development peak rates of storm water runoff do not exceed pre-development peak flows. That is accomplished through on-site detention. Thus, new impervious areas will not have a negative impact on existing storm water systems. Also, MSD will have to stamp for preliminary approval the PSP before it is 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. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exist in the greater area. Setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply. Sidewalks are being added throughout most of the development and buffers are also being provided. The design of the homes is high quality and will value the homes consistently with the surrounding residential areas. The detailed district development/preliminary subdivision plan (PSP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

The local LDC requires tree canopies, certain kinds of interior and perimeter landscaping. Accordingly, the LDC will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today.

As mentioned above, given the location of this proposed R-5 subdivision near large existing and expanding activity centers between Preston Highway and Bardstown Road, near Cedar Creek Road, and given relative proximity of this proposed subdivision as well to schools and

employment centers as also referenced hereinabove, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following applicable Policies.

As to Goal 1 and its applicable Policies 1, 2 and 3; Goal 2 and its applicable Policies 1, 2 and 3; and Goal 3 and its applicable Policies 1, 3, 4, and 5, it complies as follows, in addition to the other ways set forth above:

This low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials. By bringing additional brand new, diverse and high quality housing to this existing single family residential area, this developer proposes to diversify housing styles, designs and price points from what currently exists. This subdivision anticipates detached product, all on smaller than historically usual lots in order to take advantage of density, provide new product to the market, all of which helps keep property values from becoming unaffordable. Demographic changes plus the Great Recession of 2009-2014 and now the Covid pandemic have created economic consequences causing many people to move from larger to smaller homes and from very expensive to more moderately priced homes. The proposed subdivision addresses this trend with smaller lots accommodating more smaller and more affordably priced homes that are designed for both families with children and empty-nesters, thus being multigenerational.

* * * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.1 to reduce the front and street side yards 5 feet, from 25 ft to 20 ft.

1. The variance will not adversely affect the public health, safety or welfare because this variance really only has aesthetic consequences and it is internal within the overall development, having no impact on any other properties or the public.
2. The variance will not alter the essential character of the general vicinity because this variance is entirely internal to the overall development, having no impact on any other properties. It is also similar in setbacks to other nearby properties.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic with no impact to hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties, and it does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances as it relates to the protection of slopes and the type of product in the development, which do not generally apply to land in the general vicinity which are much more flat in terrain and it has no adverse impact on any other properties.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because of Developer's need to deal with the slopes and because this variance is internal to the overall development, having no impact on any other properties. Disallowing this variance would render the project impractical.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is necessary because of the need to address slopes in the development and because they are internal to the overall development, having no impact on any other properties.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is no acceptable.

Waiver of Section 5.9.2.A.1.a.ii of the Land Development Code to not provide a stud connection to the adjoining property.

Specifically, the Applicant seeks relief from creating a stub to Mount Washington through a residential lot.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because in fact the property owners on Mt. Washington Road adjacent to the residual tract do not want, and are opposed to, the creation of a new public roadway now or in the future. This is now a residential lot with sewer service and will be a desirable home site. This connection would be disruption to the neighbors' quiet enjoyment of their homes.
2. The waiver will not violate the Comprehensive Plan because there are no new potential impact to be mitigated by this request to not provide a connection, and the two connections provided satisfy the Mobility Goals of Plan 2040.

Because the connection is not necessary and there are already two connections provided and have access via the Woods of Pen Run by Parkview Trace Drive, this satisfies Mobility Goal 3, Policy 20.

3. The extent of the waivers is the minimum necessary to afford relief because sufficient connections are provided and the additional connection would be disruptive to the existing neighbors.
4. Strict application of the regulations would deprive the property owner of a reasonable use of the land and would create an unnecessary hardship because it would eliminate two lots in the proposed subdivision, and the developer is reliant on developing all the proposed lots to recover its costs. Often just a few lots make the difference between breaking even and making a profit.

E/Ball Homes/Parkside/Waiver Justification

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of LDC Section 7.3.30.E to allow more than 15% of a required rear yard of a buildable lot to be encompassed by a drainage easement.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it is a typical occurrence for sewer and drainage easements to be located in the rear yard, since this does not reduce the depth of the yard and since the easement is needed to provide a space within it that will keep any increased runoff from this development from causing a negative impact to the adjacent properties.

2. 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 Plan 2040 Comprehensive Plan filed with the original rezoning application and since adequate drainage facilities will be provided to serve the development, since this will not affect the applicant's ability to preserve existing vegetation nor affect any other aspect of this developments compliance with either the Plan 2040 or the requirements of the Land Development Code.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in order to allow for the best design of the individual lots. It has been generally accepted that drainage easements be located in the rear yard either along the rear property line or offset from this area typically used to preserve existing vegetation. Without the waiver the applicant would be required to locate the drainage way a minimum of 25' from the rear property line and therefore in close proximity to the homes. It would reduce the usable area close to the homes that would otherwise be used by the homeowners as their private yard, an area typically reserved for outdoor dining, entertainment, relaxation and/or recreation.

4. 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 locating the drainage easement in the rear yard has been the preferred and acceptable practice

and now requiring it to be a minimum of 25 feet off the rear property line create an unnecessary hardship for the homeowner by reducing the usable area of the private yard with a ditch separating the area adjacent to the home from the rest of the rear yard.

**TAB 9
PROPOSED FINDINGS OF FACT
PERTAINING TO COMPLIANCE
WITH THE 2040 PLAN AND
WAIVER CRITERIA**

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

Applicant: Ball Homes, LLC
Atlas Metal Investment Corp.; John Andrew Keith
Owners: Living Trust; and Joe & Doris Keith
Project Name/Location: Parkside / 7509 & 7507 ½ Mt. Washington Road
Proposed Use: Single family residential subdivision
Request: Zone Change from R-4 to R-5
Engineers, Land Planners, Landscape
Architects: Mindel Scott & Associates, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on August 5, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.1, Community Form, Goal 1 and its applicable Policies 2, 2.1, 3.1.3, 4, 5, 6, 9 10, 11, 14, 16, 17, 18, 19, 20 and 23, as set forth below; and,

WHEREAS, the subject property which is located in the Neighborhood Form District; it is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback; pedestrian and bicycle accommodations should also be provided; this proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed; the site is planned with 117 residential lots versus approximately 110 which could be permitted under R-4; the applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning; but those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations; furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5 or comparable; and

WHEREAS, the Land Development Code (LDC) height, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will also be met; and

WHEREAS, Ball Homes' reputation as a quality builder of both standard style homes within this proposed subdivision plus the traditional styles and designs of their anticipated construction will assure compatibility with adjoining and nearby single family home communities; and

WHEREAS, as a consequence of what surrounds this site and the fact that this is a proposed residential community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors; as a residential community itself, there's no reason to expect this subdivision would be designed with the kinds of negative impacts that would ordinarily harm the quiet enjoyment of home owners, naturally including those who will reside here; and

WHEREAS, to Goal 2 and its possibly applicable Policies 1, 2, 3, 7, 8, 13, 16 and 17, it complies as follows, in addition to the other ways set forth hereinabove and below; and,

WHEREAS, as said, this proposed subdivision is located in a Neighborhood Form District, proximate to already existing activity centers, workplaces and existing and planned parochial and private schools; with decent enough external roads leading to and from the proposed development site, these centers of commercial, employment and educational activity will benefit from greater demand generated by more housing such as that resulting from this proposed subdivision; this proposed subdivision will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education at the referenced nearby locations; and

WHEREAS, to Goal 3 and its applicable Policies 1, 2, 3, 6, 7, 8, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below; and,

WHEREAS, the preliminary subdivision plan (PSP) filed with the rezoning application for this proposed subdivision includes open natural and communal spaces for the passive aesthetic and active recreational use by residents and will also be able to benefit from the open spaces of the adjoining subdivision approvals; those open spaces will be maintained in perpetuity by the community association that will be established as part of the specially tailored Covenants, Conditions and Restrictions ultimately imposed upon this subdivision; and

WHEREAS, as to Goal 4, this is not a historic site with historic buildings; and

WHEREAS, as to Goal 5, this proposed subdivision is not public enough, like a shopping center might be, to include an element of public art; and

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.2, Mobility, Goal 1 and its applicable Policies 1 and 3; Goal 2 and its applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20 and 21, as set forth hereinabove and below; and,

WHEREAS, this subdivision is situated on a state road, primary collector street (Mt. Washington Road) where sewer, water and other utilities already exist, and where road capacity exists; further, this PSP will be reviewed by Metro Transportation Planning and Public Works personnel, who must stamp the PSP for approval prior to its docketing for Planning Commission

review; and that assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC); and

WHEREAS, the proposed PSP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets to function at relatively low volumes, as neighborhood serving streets are expected to function; thus, negative internal traffic impacts are avoided with this proposed subdivision; and, as noted, design of the site, as shown on the PSP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; possible road improvements, if any, have yet to be determined; and any off-site roadway improvements will, of course, need to meet the “essential nexus” and “rough proportionality” test; and

WHEREAS, all drive lanes, sidewalks and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements; and these are preliminarily depicted on the PSP filed with this application; and

WHEREAS, TARC service is generally unavailable in areas like this PSP; and

WHEREAS, all necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements; and

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.3, Community Facilities, Goal 2 and its applicable Policies 1, 2 and 3, as set forth hereinabove and below:

WHEREAS, this subdivision is situated on a primary collector street where sewer, water and other utilities already exist, and where road capacity exists; and

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.4, Economic Development, Goal 2 and its applicable Policy 1, as set forth hereinabove and below:

WHEREAS, this land is surrounded by like-kind subdivisions; that makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family housing is in greatest demand; as Louisville Metro’s population continues to grow, so does demand for housing of all types; this proposed subdivision is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries; it also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current Covid crisis; if Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one; and that is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville’s history; and

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.5, Livability, Goal 1 and its applicable Policies 2, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, as set forth hereinabove and below; and,

WHEREAS, MSD will require that post-development peak rates of storm water runoff do not exceed pre-development peak flows; that is accomplished through on-site detention; thus, new impervious areas will not have a negative impact on existing storm water systems; also, MSD will have to stamp for preliminary approval the PSP before it is 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

WHEREAS, the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exist in the greater area; setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply; sidewalks are being added throughout most of the development and buffers are also being provided; the design of the homes is high quality and will value the homes consistently with the surrounding residential areas; the detailed district development/preliminary subdivision plan (PSP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that; and

WHEREAS, the local LDC requires tree canopies, certain kinds of interior and perimeter landscaping; the LDC will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today; and

WHEREAS, given the location of this proposed R-5 subdivision near large existing and expanding activity centers between Preston Highway and Bardstown Road, near Cedar Creek Road, and given relative proximity of this proposed subdivision as well to schools and employment centers as also referenced hereinabove, air quality impacts will be minimized because vehicle miles travelled are reduced; and

WHEREAS, this Preliminary Subdivision Plan and rezoning complies with Plan Element 4.6, Housing, Goal 1 and its applicable Policies 1, 2 and 3; Goal 2 and its applicable Policies 1, 2 and 3; and Goal 3 and its applicable Policies 1, 3, 4, and 5, as set forth hereinabove and below, and;

WHEREAS, this low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials; by bringing additional brand new, diverse and high quality housing to this existing single family residential area, this developer proposes to diversify housing styles, designs and price points from what currently exists; this subdivision anticipates detached product, all on smaller than historically usual lots in order to take advantage of density, provide new product to the market, all of which helps keep property values from becoming unaffordable; demographic changes plus the Great Recession of 2009-2014 and now the Covid pandemic have created economic consequences causing many people to move from larger to smaller homes and from very expensive to more moderately priced homes; the proposed subdivision addresses this trend

with smaller lots accommodating more smaller and more affordably priced homes that are designed for both families with children and empty-nesters, thus being multigenerational; 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-5 and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 5.9.2.A.1.a.ii of the Land Development Code to not provide a stud connection to the adjoining vacant property.

WHEREAS, the Applicant seeks relief from creating a stub to Mount Washington through a residential lot; and

WHEREAS, the connection would not connect any vacant land because the connection itself would occupy the vacant land entirely; and

WHEREAS, Mt. Washington Road is a state road and requiring the connection would violate the standards for intersections on state roads; and

WHEREAS, the connection would further be in contradiction to appropriate connections as set forth in the Land Development Code since the distance would be less than ideal to the Mt. Washington Road/Cedar Creek intersection; and

WHEREAS, the waiver will not adversely affect adjacent property owners because in fact the property owners on Mt. Washington Road adjacent to the residual tract do not want, and are opposed to, the creation of a new public roadway now or in the future; this is now a residential lot and will be a desirable home site; and this connection would be disruption to the neighbors' quiet enjoyment of their homes; and

WHEREAS, the waiver will not violate the Comprehensive Plan because there are no new potential impact to be mitigated by this request to not provide a connection, and the two connections provided satisfy the Mobility Goals of Plan 2040; and

WHEREAS, the connection is not necessary and there are already two connections provided and have access via the Woods of Pen Run by Parkview Trace Drive, this satisfies Mobility Goal 3, Policy 20; and

WHEREAS, the extent of the waivers is the minimum necessary to afford relief because sufficient connections are provided and the additional connection would be disruptive to the existing neighbors; and

WHEREAS, strict application of the regulations would deprive the property owner of a reasonable use of the land and would create an unnecessary hardship because it would eliminate two lots in the proposed subdivision, and the developer is reliant on developing all the proposed lots to recover its costs; and often just a few lots make the difference between breaking even and making a profit; and

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

Waiver Findings of Fact

Waiver of LDC Section 7.3.30.E to allow more than 15% of a required rear yard of a buildable lot to be encompassed by a drainage easement.

WHEREAS, the waiver will not adversely affect adjacent property owners because it is a typical occurrence for sewer and drainage easements to be located in the rear yard, since this does not reduce the depth of the yard and since the easement is needed to provide a space within it that will keep any increased runoff from this development from causing a negative impact to the adjacent properties; 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 Plan 2040 Comprehensive Plan filed with the original rezoning application and since adequate drainage facilities will be provided to serve the development, since this will not affect the applicant's ability to preserve existing vegetation nor affect any other aspect of this developments compliance with either the Plan 2040 or the requirements of the Land Development Code; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in order to allow for the best design of the individual lots; it has been generally accepted that drainage easements be located in the rear yard either along the rear property line or offset from this area typically used to preserve existing vegetation; without the waiver the applicant would be required to locate the drainage way a minimum of 25' from the rear property line and therefore in close proximity to the homes; it would reduce the usable area close to the homes that would otherwise be used by the homeowners as their private yard, an area typically reserved for outdoor dining, entertainment, relaxation and/or recreation; 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 locating the drainage easement in the rear yard has been the preferred and acceptable practice and now requiring it to be a minimum of 25 feet off the rear property line create an unnecessary hardship for the homeowner by reducing the usable area of the private yard with a ditch separating the area adjacent to the home from the rest of the rear yard; and

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

Variance Findings of Fact

Variance of: Section 5.3.1 to reduce the front and street side yards 5 feet, from 25 ft to 20 ft.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this variance really only has aesthetic consequences and it is internal within the overall development, having no impact on any other properties or the public; and

WHEREAS, the variance will not alter the essential character of the general vicinity because this variance is entirely internal to the overall development, having no impact on any other properties; and it is also similar in setbacks to other nearby properties; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because it is completely aesthetic with no impact to hazards or nuisances at all; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties, and it does not have any negative impact on any other surrounding properties necessary to be protected by the regulation; and

WHEREAS, the Variance arises from special circumstances as it relates to the protection of slopes and the type of product in the development, which do not generally apply to land in the general vicinity which are much more flat in terrain and it has no adverse impact on any other properties; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because of Developer's need to deal with the slopes and because this variance is internal to the overall development, having no impact on any other properties; and disallowing this variance would render the project impractical; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is necessary because of the need to address slopes in the development and because they are internal to the overall development, having no impact on any other properties; and

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