

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 14015 OLD HENRY TRAIL CONTAINING APPROXIMATELY 2.81 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0113). (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER ANTHONY PIAGENTINI

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 21ZONE0113; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 21ZONE0113 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing R-4 Residential Single Family zoning designation; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 21ZONE0113 to overturn the recommendation of the Planning Commission and maintain the existing R-4 Residential Single Family zoning designation on the property located at 14015 Old Henry Trail and being in Louisville Metro; and

WHEREAS, the Planning Commission’s recommendation was the result of a split vote, with 7 Commissioners voting to recommend the rezoning and 2 Commissioners recommending against it; and

WHEREAS, the majority of the Planning Commission’s deliberations centered on whether or not the proposal complied with the Old Henry Road Subarea Plan (the “Old Henry Plan”); and

WHEREAS, those Commissioners who voted against the proposal identified the lack of compliance with the Old Henry Plan as a primary reason for such vote; and

WHEREAS, some of those Commissioners who voted in favor of the proposal expressed a belief that the Old Henry Plan was either less important than or overruled by Plan 2040 and that approval was therefore appropriate; and

WHEREAS, this Council passed Ordinance Number 234, Series 2018 which re-adopted the then-existing Neighborhood Plans and adopted their Executive Summaries as amendment to Plan 2040 on December 17, 2018; and

WHEREAS, this action, which was subsequent to the adoption of Plan 2040 itself, included the re-adoption of the Old Henry Plan; and

WHEREAS, the Old Henry Plan, as an adopted amendment to Plan 2040, is very much still relevant to any and all rezoning’s of property covered by the Old Henry Plan; and

WHEREAS, the subject property is located in Zone 3, designated Residential (Low to Medium), in Figure 10 on page 41 of the Old Henry Plan; and

WHEREAS, on pages 20 and 21 of the Old Henry Plan, Guiding Principle No. 3—Eastside Residential Collar is established and defines low density as up to 5 dwelling units per acre and medium density as up to 6 dwelling units per acre; and

WHEREAS, the density of the proposed development is approximately 11.55 units per acre, nearly double the medium density “maximum” and near the 12.01 maximum allowed under the proposed R-5A zoning; and

WHEREAS, the existing R-4 zoning permits up to 4.84 units per acre, with an additional density of up to 6.05 units per acre using the Mixed Residential Development Incentive (MRDI) option; and

WHEREAS, this proposed departure from the recommendations of the Old Henry Plan would be the first of its kind an magnitude in this area of the Old Henry Plan, putting surrounding properties at risk of also developing up to twice as intensely as recommended; and

WHEREAS, the proposed 50 foot buffer along Old Henry Road for which the applicant also sought a waiver to allow overlap with a retention/detention basis, while compliant with the LDC (other than said waiver), differs significantly from the existing pattern of development in the area, with setbacks well in excess of 100 feet;

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

SECTION I: That the zoning of the property located at 14015 Old Henry Trail containing approximately 2.81 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0113, shall remain R-4 Single Family Residential and that the decision of the Planning Commission in that case is overridden.

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

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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