

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 4801 MANSLICK ROAD AND 1936 BLUEGRASS AVENUE (4801 MANSLICK ROAD INCLUDES PARCEL ID NOS. 067H00100000 AND 067H00190000) CONTAINING APPROXIMATELY 10.22 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0096)(AMENDED BY SUBSTITUTION)

SPONSORED BY: COUNCILMEMBER KEVIN TRIPLETT

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. 20ZONE0096; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 20ZONE0096 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing R-5 Residential Single Family and OR-1 Office Residential zoning designations; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 20ZONE0096 to overturn the recommendation of the Planning Commission and maintain the existing R-5 Residential Single Family and OR-1 Office Residential zoning designations on the property located at 4801 Manslick Road and 1936 Bluegrass Avenue (4801 Manslick Road Includes Parcel Id Nos. 067H00100000 And 067H00190000) and being in Louisville Metro; and

WHEREAS, the proposal does not conform to Land Use & Development Goal 1: Community Form Subsection 7: Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity

centers and other areas where demand and adequate infrastructure exists or is planned. It does not conform because, despite the 1/3 mile distance to transit stops along Estate Drive and relative nearness to a medical activity center, adequate infrastructure to access these locations neither exists nor is planned, as this section of Manslick is dangerous and winding with an incomplete sidewalk network and no bus stops or other available means of safe transportation other than by passenger vehicle; and

WHEREAS, the proposal does not conform to Land Use & Development Goal 1: Community Form Subsection 9: Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. It does not conform because the immediately surrounding residential areas are R-4 and R-5 with a small pocket of PRD along with some OR at the aforementioned medical activity center. R-7 represents a substantially denser development, jumping over the R5-B and R-6 categories completely, creating a jarring difference rather than an appropriate transition; and

WHEREAS, the proposal does not conform to Land Use & Development Goal 3: Community Form Subsection 10: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. It does not conform because the proposal does not avoid severe, steep, or unstable slopes. In addition, it does not conform because of the substantial flooding, drainage, and sewage

issues as discussed at the public hearing before the Planning Commission, including the 2009 flooding of the nearby medical activity center; and

WHEREAS, the proposal does not conform to Land Use & Development Goal 3: Mobility Subsection 2: To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers. It does not conform because the proposal is not easily accessible by transit, pedestrians, or people with disabilities. And, while access by bike is theoretically feasible, the dangers of this section of Manslick Road make it inadvisable at best; and

WHEREAS, in addition to the specific Comprehensive Plan sections noted above, the current condition of Manslick Road raises broad mobility and safety concerns which discourage an increase in density on this site. The KY 1931 Planning Study Executive Summary recommended a 3 Lane Widening of Manslick Road with a total estimated cost in excess of \$30 million before accounting for inflation. With this widening nowhere in the State's current plans, the road remains dangerous as detailed in that study. This has broad implications for numerous sections of Plan 2040; and

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 4801 Manslick Road and 1936 Bluegrass Avenue (4801 Manslick Road Includes Parcel Id Nos. 067H00100000 And 067H00190000) and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 20ZONE0096, shall remain

R-5 Residential Single Family OR-1 Office 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.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____