

RECEIVED

OCT 08 2018

PLANNING &
DESIGN SERVICES

CREEK ALLEY CONTRACTING, LLC
JUSTIFICATION FOR ZONING MAP AMENDMENT

The Applicant, Creek Alley Contracting, LLC, pursuant to KRS 100.213 and the Cornerstone 2020 Comprehensive Plan provides the following as justification for its request to rezone property known as Forest Creek located at 4720 Forest Drive, Louisville, Jefferson County, Kentucky.

In support hereof, the Applicant has filed herewith its PRD Development Plan that provides a proposal for the property which consists of approximately 8.16 acres be rezoned from R-7 and R-4 to Planned Residential Development District or PRD.

As indicated in the application, the property is currently vacant and is zoned residential. While the property abuts Valla Road, a private road, access will be provided by a portion of the existing right-of way for Forest Drive from Poplar Level Road. This access is in direct response to concerns raised by the residents of Valla Road who attended the neighborhood meeting conducted August 23, 2018 for this project. Mailing certification, attendance and minutes of that meeting are provided as part of this application.

The existing zoning for this property is residential (R-4 and R-7). If the entire property was zoned R-4, it could yield approximately 35 dwelling units. The R-7 zoning which makes up the bulk of this property would yield approximately 285 units. The requested rezoning will allow the Applicant to subdivide the property into the proposed 57 single family residential units with minimum lot sizing of 3000 square feet. Most of the proposed lots significantly exceed the minimum. The proposed development adjoins an existing residential neighborhood and the prices of the proposed homes will exceed the current values of those adjoining properties. The proposed zoning meets squarely in the middle between the two existing zones and in fact reduces the potential density for a significant portion of the property lessening the potential foot print.

The Applicant would further advise that it is proposing that a portion of the existing Forest Drive right of way will be closed beginning approximately 962 feet south of Poplar Level Road south to Indian Trail. Additionally, there will be no direct access from this development to the existing private Valla Road.

Section 2.7.3 of the Land Development Code related to Planned Residential Development (PRD) Districts requires that the applicant met at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of

RECEIVED

OCT 08 2018

PLANNING &
DESIGN SERVICES

people of differing ages or incomes; or

4. The proposal expands the diversity of housing types available within a neighborhood; or

5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

The applicant would submit that this proposal meets three of the five required objectives.

Objective 1 requires that “the site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance.” The property in question has existed in its current form for many years. It is bounded on south by a creek making it inaccessible to Indian Trail. It partially abuts a private roadway and has limited frontage on Valla Road even if this provided a feasible access. Further, the property is narrowly configured making it difficult to comply with the requirements of the R-4 zoning that exists on a portion of the property. The PRD zoning will allow development of the site in a manner that will preserve the residential nature of the properties on Valla Road while allowing a productive use of the property. It is noted by the Applicant that a large portion of the property is designated R-7 making it possible to put apartments on that section without a zone change. The Applicant would submit that while this use might provide it the most economic benefit, it does not feel that this is an appropriate use considering the housing in existence on Valla Road.

Objective 2 provides the site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan. The Land Development Code contains the following definition of “Infill Development” - Development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. This is vacant land situated in a location where all the surrounding property is developed or in use and strictly complies with the Code’s definition.

Objective 4 provides the proposal expands the diversity of housing types available within a neighborhood. The Applicant would submit that the surrounding area consists of some single family residential and apartments. There is also a wide array of commercial uses nearby. The proposed development provides for small lots that would be attractive to a number of demographics include families with small children and seniors due to the minimal area of yard to maintain. The proposal fills a niche between the larger lots on Valla Road and apartments and town homes located nearby.

KRS 100.213(1) provides:

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the

18 ZONE 1057

RECEIVED
OCT 08 2018
PLANNING &
DESIGN SERVICES

legislative body or fiscal court: (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The Applicant submits that the map amendment is in agreement with the comprehensive plan and that even if that criteria is not fulfilled that the existing zoning is inappropriate; that the proposed zoning is appropriate and that there have been major changes within the area which justify the zoning change. Further, the proposed zoning fits nicely between the two existing zoning classifications, a further demonstration of its appropriateness.

The applicant submits that the proposed development conforms with the following provisions of Cornerstone 2020:

A. Goal C1- Support the redevelopment, enhancement and preservation of existing neighborhoods and villages to provide safe and healthy places to live where residents share a sense of place. Encourage new neighborhoods and villages that are culturally and economically diverse and are interwoven with environmental resources and accessible parks and open spaces.

B. Objective C1.1- Recognize and encourage the unique and diverse characteristics of Louisville and Jefferson County's neighborhoods, traditional neighborhoods and villages.

C. Goal C2/Community Design- Encourage diversity in the types of neighborhoods and villages available to residents while ensuring that all neighborhoods and villages contain the elements needed for a neighborhood that works as a healthy, vibrant, livable place.

E. Objective C2.7/Appropriate housing: Promote the integration of appropriate housing units in all neighborhood, traditional neighborhood, and village form districts so that no form district can be employed as a means to exclude appropriate housing from residential neighborhoods. Permit and encourage appropriate housing in existing neighborhoods and as part of new subdivision development.

F. Goal C3/Land Use: Protect existing residential neighborhoods from adverse impacts of proposed development and land use changes. Encourage neighborhoods, traditional neighborhoods and villages that accommodate people of different ages and incomes. A variety of land uses should be encouraged which serve residents' daily needs and are compatible with the scale and character of the neighborhood.

G. Goal C4/Site Design: Preserve and enhance the character and integrity of neighborhoods and villages through compatible site and building design of proposed development and land use changes.

H. Objective C4.1. Utilize performance standards for site design elements of neighborhoods and villages to ensure that development and redevelopment is compatible with the organization and pattern of the neighborhood, traditional neighborhood, or village form district.

I. Objective C4.5/Building Design: Ensure that new buildings and structures are compatible with the streetscape and character of the neighborhood, traditional neighborhood or village.

As the project meets all of the above provisions of Cornerstone 2020 and the zoning map amendment is appropriate and otherwise compliant with other applicable rules and regulations, the Applicant respectfully requests that this request be granted.

Respectfully submitted,

D. BERRY BAXTER
BERRY, FLOYD & BAXTER, PSC
117 WEST MAIN STREET
LAGRANGE, KY 40031
PHONE: 502-225-0050
FACSIMILE: 502-225-0550
EMAIL: baxterlaw@icloud.com
ATTORNEY FOR APPLICANT

RECEIVED

OCT 08 2018

PLANNING &
DESIGN SERVICES

Sidewalk Waiver Justification:

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

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

The proposed development provides sidewalks on one side of the street. This development is contained within itself and does not have any further connections with existing sidewalks or roadways.

RECEIVED
DEC 17 2018
PLANNING &
DESIGN SERVICES

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

To comply with the roadway requirements and to keep the sidewalk in the public right-of-way only one side of the street has enough room to provide the walk.

3. What impacts will granting of the waiver have on adjacent property owners?

This property does not connect to any other pedestrian connection to adjacent properties.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

Providing the required sidewalk on BOTH sides of the roadway would prevent the required right-of-way to be granted. Private roadways are not permitted for PRD developments over 5 lots.