

## **Case No. 17ZONE1081 Findings of Fact**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form/Land Use Guideline 1: Community Form because The proposed zoning district supports the creation of a mix of residential housing choices and densities for the neighborhood as a multi-family district is being introduced to an area consisting primarily of single-family residential uses and zoning districts. Additionally, the district is being introduced immediately adjoining a public park. Within the vicinity of the development site, multi-family districts of similar densities are present and encourage diversity in housing choice. A diverse housing stock supports the needs of a variety of family and household arrangements and socioeconomic levels; and

**WHEREAS**, the Commission further finds that the proposal is classified as high density (17.42 du/ac is permitted by an R-6 district for a maximum of 348 dwelling units on the subject site), it is not located along a major or minor arterial and is in a location that may have a negative impact on adjacent low or moderate density development. The primary concern related to this Guideline does not rest in the use of local roads through a residential subdivision for a residential population regardless of their occupancy type, but in the use of an internal public park road for primary or secondary access to adjacent development. While the Traffic Impact Study concludes, “there will be a manageable impact to the existing highway network, with Levels of Service remaining within acceptable limits,” it does not address the potential long term impacts of mixing a means of access to facilitate development with the recreational use Broad Run Parkway and public park land. Given that a signalized intersection is located at Bardstown Road and Broad Run Parkway, it is foreseeable that this park road may become a primary means of access for some to this development and unsafe conditions may arise as a result of conflicts between residential traffic and cyclist, leisure drivers, or hikers making a crossing; and

**WHEREAS**, the Commission further finds that a new housing type will be introduced. Future development will meet the minimum standards of design as established in the Land Development Code. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs; and

**WHEREAS**, the Commission further finds that Adjoining neighborhood streets within the proposed subdivision in case 18DEVPLAN1099 are designed to invite human interaction and easy access through the use of sidewalks, trailways, and convenient access to outdoor recreation both on and off the subject site. Future development upon Tract 2 shall strive for integration and compatibility with this network while meeting the minimum standards of design and connectivity as established in the Land Development Code. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form/Land Use Guideline 2: Centers because the proposed zoning district does not include non-residential or mixed-use components defined as being an activity center; and

**WHEREAS**, the Commission further finds that infrastructure will be integrated with surrounding development. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposed R-6 zoning district allows for a wide variety of development options supporting combined trips, allowing alternative modes of transportation and encouraging vitality and sense of place. A well designed plan shall consider a variety of dwelling unit types and should not be homogenous. A variety of housing types from single and multi- bedroom apartments to attached single-family units should be considered to promote a greater mix of housing options and encourage vitality and sense of place; thus, promoting a variety of different transportation users through tenant mix; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form/Land Use Guideline 3: Compatibility because the size and scale of the proposed zoning district is comparable to nearby multi-family zoning districts that are incorporated into single-family residential developments and/or zoning districts. The Neighborhood form district will regulate site and building design criteria and provides that the sides of a multi- family building shall display a similar level of quality and architectural interest when abutting a public street or perimeter property line; any façade facing a public street or including the principal entrance shall include animating features such as offsets or setbacks with a differential in horizontal plane of three feet, porches, bay windows, balconies, variation in building materials, or other design features; regulations for garages to minimize incompatibility; and roofing design. Future development will meet the minimum standards of design as established in the Land Development Code; and

**WHEREAS**, the Commission further finds that Building materials are not being considered at this time. Renderings will be provided upon development and will meet the minimum standards of design as established in the Land Development Code; and

**WHEREAS**, the Commission further finds that the R-6 zoning district is compatible with surrounding single-family residential district as the maximum height permitted is consistent across multi-family and single-family districts within the form districts. Landscape buffering with a minimum dimension of fifteen feet, including tree canopy and screening is required in order to provide adequate transitions between uses. Future development will meet all other minimum standards of design as established in the Land Development Code; and

**WHEREAS**, the Commission further finds that the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities (those existing and beyond the extent of the proposed plans included in the staff report) as the Traffic Impact Study concludes, “there will be a manageable impact to the existing highway network, with Levels of Service remaining within acceptable limits; and

**WHEREAS**, the Commission further finds that Lighting/Glare for multi-family residential districts will be provided per LDC 4.1.3 and shall be aimed, directed, or focused to not cause direct light from the luminaire to be directed toward residential uses or protected open spaces on adjacent or nearby parcels, or to create glare perceptible to persons operating motor vehicles on public streets and right-of-way; and

**WHEREAS**, the Commission further finds that the proposed R-6 zoning district allows for a wide variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures. Each of these types is regulated by the standards contained in Chapter 5 of the LDC. A well designed plan shall consider a variety of dwelling unit types and should not be homogenous. A variety of housing types from single and multi-bedroom apartments to attached single-family units should be considered to promote a greater mix of housing options; thus, promoting a

variety of different users and tenant mix. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposed district is not located along a transit corridor. TARC service (route 66x) terminates at Thixton Lane and regular service (route 17) terminates at the main entrance to Glenmary Subdivision. It is, however, located within proximity to activity centers, but these centers are not accessible via transit at this time. Housing for the elderly is not hindered by the proposed zoning district and a greater variety of age specific housing may be provided as a result of this zoning district compared with that of a single-family residential district. A large activity center is located at the Bardstown Road/Interstate-265 interchange. KentuckyOne Health Primary Care and Norton Immediate Care operate near the Bardstown Road/Interstate interchange. There are also pharmacies available at multiple locations along Bardstown Road. Convenient access via transit routes from the subject site is currently unavailable within Louisville Metro. Services (medical and shopping) are also available in an activity center in Bullitt County roughly 2.5 miles from the subject site in Mt. Washington; and

**WHEREAS**, the Commission further finds that the proposed zoning district allows for the development of appropriate/inclusive housing. A diversity of housing options is made available through the inclusion of a multi-family district in a predominately single-family residential area near a public park. The added benefit of convenient access to recreational and leisure opportunities will greatly improve the health and well-being of residents within a multi-family development; a benefit not afforded to all residents of multi-family residential development throughout the community. Future development will meet the minimum standards of design as established in the Land Development Code. The R-6 zoning district requires appropriate transitions from surrounding single-family residential districts. The maximum height permitted is consistent across multi-family and single-family districts. Landscape buffering with a minimum dimension of fifteen feet, including tree canopy and screening is required and will be provided in order to provide adequate transitions. Building design is regulated by LDC 5.6.3 and any future development shall comply; and

**WHEREAS**, the Commission further finds that the R-6 zoning district is compatible with surrounding single-family residential districts if designed in accordance with the regulations provided by the LDC. The maximum height permitted is consistent across multi-family and single-family districts. Landscape buffering with a minimum dimension of fifteen feet, including tree canopy and screening is required in order to provide adequate transitions. Setbacks, lot dimensions and building heights will be addressed during detailed plan review. Future development will meet the minimum standards of design and connectivity as established in the Land Development Code. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form/Land Use Guideline 4: Open Space because The Parklands of Floyds Fork provides adequate open space to meet all the needs of future residents with respect to recreation and leisure. Any open space provided on the subject tract would be above and beyond what would be necessary for living a healthy lifestyle; and

**WHEREAS**, the Commission further finds that the natural environment shall be considered when developing the subject site. Windows and entrances should be provided to afford views of

nearby green space and park lands from dwellings. The development should not restrict access or block views of park lands beyond what is necessary to supply appropriate/inclusive housing. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources because future development shall comply with all environmental requirements in place at the time of development. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”. The proposal should consider the use of landscapes that are of recognized value to public welfare. Multiple regulations are in place to preserve and protect sensitive features while allowing for compatible development. Environmental design and protection requirements are provided in Chapter 4 of the LDC; and

**WHEREAS**, the Commission further finds that Louisville MSD has preliminarily approved the project. All development will occur in accordance with any future environmental studies or geotechnical reports provided at the time of site plan review. A detailed plan will be provided and shall demonstrate “the character and objectives of the proposed development and the potential impacts of the development on the community and its environs”; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility/Transportation Guideline 7: Circulation because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Internal roadways of the subdivision provide an adequate means of access for residential development as they meet the minimum requirements of LDC chapter 6 and stub roadways have been provided. The proposal will involve the creation of multiple public roads associated for residential development and the construction of sidewalks and trails; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility/Transportation Guideline 8: Transportation Facility Design because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land as stubs are provided along the southern and eastern boundaries abutting large tracts of residential land. A primary or secondary means of access to the development site is through a low intensity use (public park) that may create a significant nuisance. Given that a signalized intersection is located at Bardstown Road and Broad Run Parkway, it is foreseeable that Broad Run Parkway may become a primary means of access for some to this development and unsafe conditions may arise as a result of conflicts between residential traffic and cyclist, leisure drivers, or hikers making a crossing. An appropriate functional hierarchy of streets is disrupted by the proposed development as Broad Run Parkway is being used to meet minimum access requirements per LDC 6.1.3 (Developments with an aggregate of 200 or more dwellings (single family or multi-family) shall have at least two separate access roadways connecting directly to existing roadway(s).). The linking of development access to the arterial roadway through the use of an internal park road creates the presence of a collector roadway as defined by the LDC (A street intended to move traffic from local streets and other collectors to the arterial street system); and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit because, while TARC service is not currently available in the area, the development provides for the appropriate movement of pedestrians and cyclists through the provision of sidewalks, trailways, and convenient access to recreational opportunities and the Louisville Loop; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Livability/Environment Guideline 10: Flooding and Stormwater because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Livability/Environment Guideline 13: Landscape Character because additions and connections to a system of natural corridors will be provided on the future detailed district development plan; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Facilities Guideline 14: Infrastructure because utilities will be required and provided for development. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The Fern Creek Fire Department does not object to the proposal. Fire hydrants will be provided upon development. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. Health department has not expressed opposition to the proposal. Comments may be provided at a later date; and

**WHEREAS**, the proposed Rezoning from R-4 to R-6 complies with the intent and applicable policies of Guideline 1-Community Form because the subject property is in the Neighborhood Form District, which permits the development of single-family lots and multi-family units as proposed by the applicant; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 2-Centers because the proposed Rezoning, which will permit multi-family residential adjacent to the Parklands of Floyds Fork (the "Parklands"), will allow for a unique mixture of residential and park land uses affording recreational opportunities to residents while reducing the environmental impact of the development; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 3-Compatibility because the proposed Rezoning will allow for multi-family residential development in a manner compatible with the Parklands, the existing agricultural properties nearby, and the planned residences in Oakland Hills, because the Neighborhood Form District design requirements, landscape buffer requirements and the proposed design's preservation of existing tree stands and other important natural features will provide sufficient transitions between the proposed multi-family residential development and the surrounding uses; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 4-Open Space and Guideline 5-Natural Areas and Scenic and Historic Resources because the proposed Rezoning will provide a buffer between the proposed multi-family residential development and the Parklands, create a connection to the Highland Crossing trail within the Parklands and the Louisville Loop, and help preserve the most sensitive natural features on the property; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 7-Circulation and Guideline 8-Transportation Facility Design because the existing road network is sufficient to support the traffic that will be generated by the proposed Rezoning and the proposed Rezoning is located directly adjacent to hiking trails and the Louisville Loop, providing the potential for multi-modal access to the subject property; because the proposed development will have sufficient connections for vehicular traffic and more than adequate connections for cyclists and pedestrians; because TARC service is available in the area along Bardstown Road at Waterford Road and Glenmary Farms Road; and there is a Park and TARC location on Bardstown Road just north of the Gene Snyder Freeway; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 9-Bicycle, Pedestrian and Transit because the proposed Rezoning will enhance the potential for future development of a TARC stop in the area, and provide a variety of pedestrian and biking opportunities for residents, including nearly direct access to the Louisville Loop; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 10-Flooding and Storm Water and Guideline 11-Water Quality because the proposed Rezoning will be part of the overall Oakland Hills neighborhood, a development that has significant water quantity and quality controls; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 12-Air Quality and Guideline 13-Landscape Character because the proposed Rezoning will be surrounded by buffers between it and the Parklands, will preserve over 400 acres of open space (including land already incorporated into Broad Run Park), and will include significant pedestrian and bicycle connections to the Parklands; and

**WHEREAS**, the proposed Rezoning complies with the intent and applicable policies of Guideline 14-Infrastructure because the overall Oakland Hills development is already served by the Louisville Water Company and by the Metropolitan Sewer District's Cedar Creek treatment facility, both of which have adequate capacity to serve the entirety of Oakland Hills; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change-in-Zoning from R-4, Single-Family Residential to R-6, Multi-Family Residential on a tract of 20 acres located in the northern-most section of the proposed development site, as described in the attached legal description, be **APPROVED**.