

Louisville Metro Planning Commission Public Hearing - July 21, 2022
Louisville Metro Land Development & Transportation Committee - June 23, 2022
Neighborhood Meetings - March 23 and April 12, 2022

Docket No. 22-ZONE-0049

Zone change from R-4 to R-5A to allow an 82-unit apartment community on property located at 805 S. English Station Road

Attorneys: Bardenwerper Talbott & Roberts, PLLC

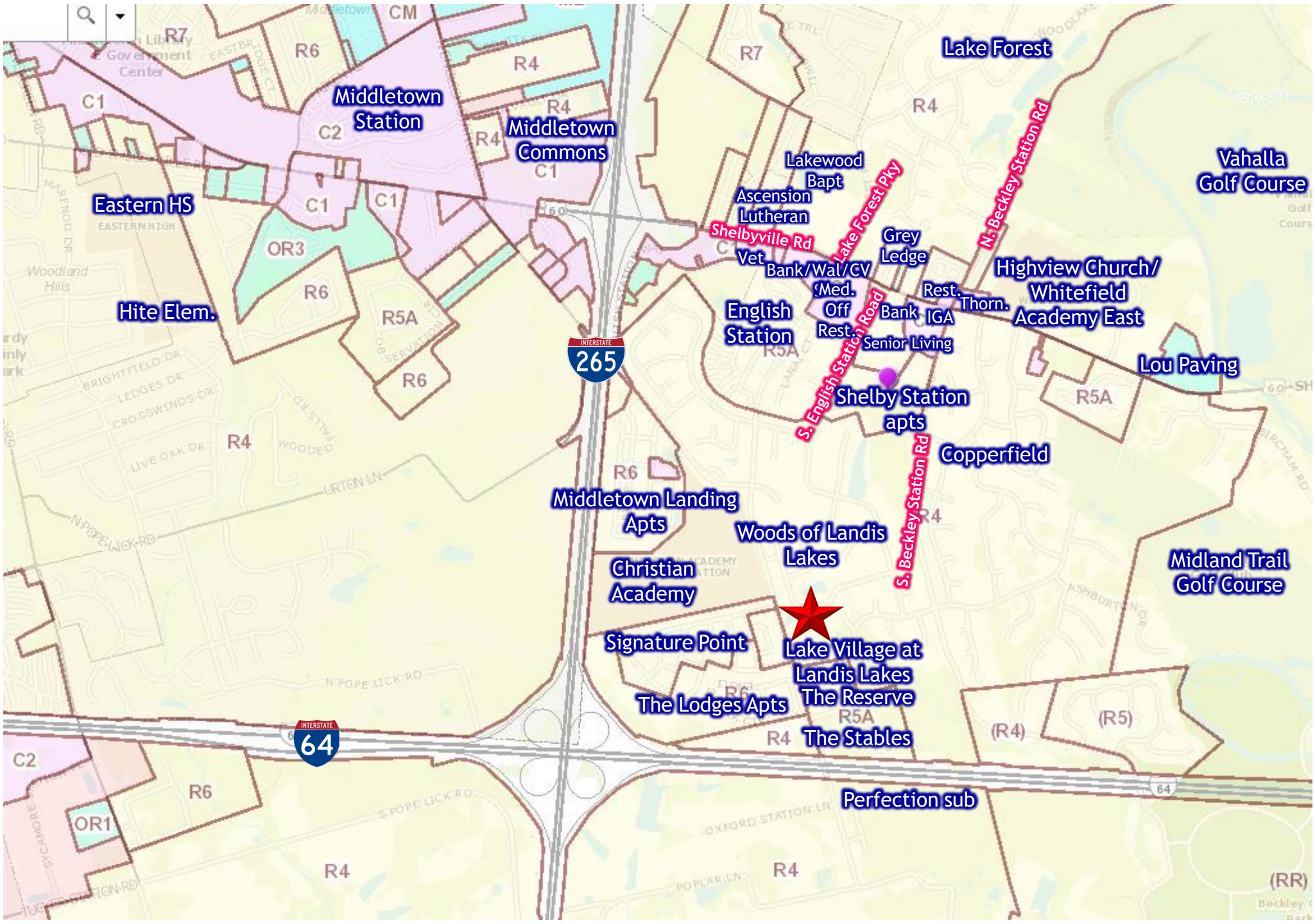
Land Planners, Landscape Architects & Engineers: Land Design & Development, Inc.

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Tab 1

LOJIC Zoning Maps



Eastern HS

Hite Elem.

Middletown Station

Middletown Commons

English Station

Shelby Station apts

Middletown Landing Apts

Woods of Landis Lakes

Christian Academy

Signature Point

The Lodges Apts

Lake Village at Landis Lakes

The Reserve

The Stables

Lake Forest

Vahalla Golf Course

Highview Church/Whitefield Academy East

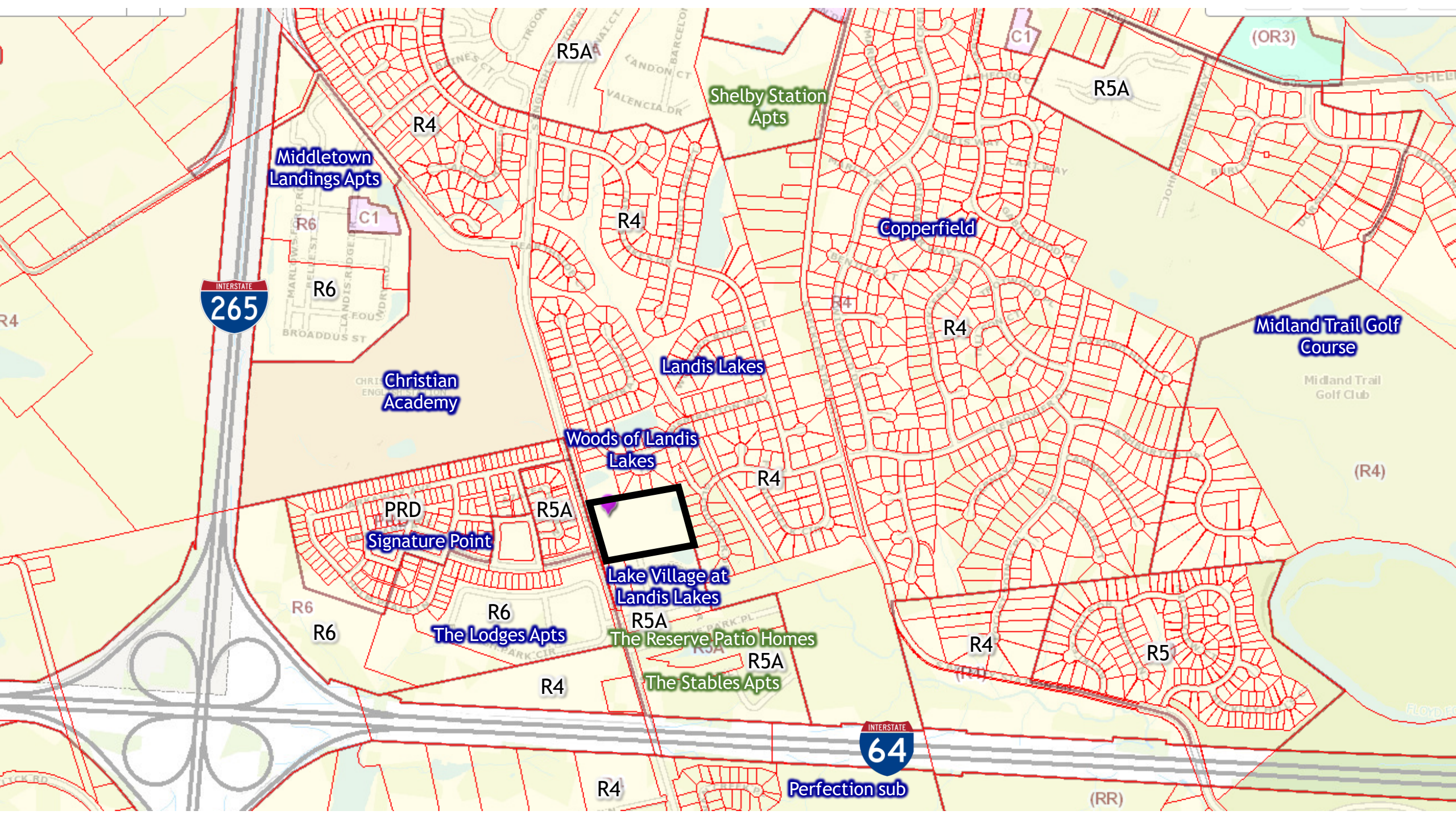
Lou Paving

Copperfield

Midland Trail Golf Course

Perfection sub





INTERSTATE
265

INTERSTATE
64

Middletown
Landings Apts

Christian
Academy

Signature Point

The Lodges Apts

The Reserve Patio Homes

The Stables Apts

Shelby Station
Apts

Landis Lakes

Woods of Landis
Lakes

Lake Village at
Landis Lakes

Copperfield

Midland Trail Golf
Course

Perfection sub

R5A

R4

R6

R6

PRD

R5A

R6

R6

R6

R4

R4

R4

R4

R4

R4

R5

(RR)

R5A

(OR3)

(R4)

Flow

Tab 2

Aerial photograph of the
site and surrounding area



INTERSTATE
265

Middletown
Landings Apts

Christian
Academy

Shelby Station
Apts

Copperfield

Midland Trail Golf
Course

Landis Lakes

Woods of Landis
Lakes

Signature Point

Lake Village at
Landis Lakes

The Lodges Apts

The Reserve Patio Homes

The Stables Apts

INTERSTATE
64

Perfection sub

Tab 3

Ground level photographs
of the site and surrounding
area



View of S. English Station Road looking north. Site is to the right.



SITE

Signature Point

S English Station Rd

Google

View of S. English Station Road looking south. Site is to the left.



SITE

View of site from S. English Station Road

Tab 4

Neighborhood Meeting letter to
neighbors inviting them to the meeting
and summary of meeting

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
Phone: (502) 741-8783

March 9, 2022

RE: Proposed zone change from R-4 to R-5A to allow an 82-unit apartment community on property located at 805 S. English Station Road

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow an apartment community on approximately 7.19 acres on the above referenced property. The zone change consists of twelve, 2-story buildings totaling 82 units.

Accordingly, we have filed a preliminary plan for review with the Division of Planning and Design Services (DPDS) that has been assigned case number **22-ZONEPA-0021** and case manager, **Dante St. Germain**. We would like present this plan to you so that we might hear what thoughts you may have.

In that regard, an in-person meeting will be held on **Wednesday, March 23, 2022** beginning at **6:00 p.m.** at the **Middletown Library** located at **12556 Shelbyville Road, Louisville, KY 40243**.

If you are unable to attend the meeting, or have any questions or comments, please feel free to contact me at the phone number/email listed above or contact the case manager, Dante St. Germain at:

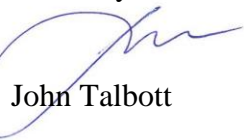
Phone: (502) 574-4388

Email: Dante.St.Germain@louisvilleky.gov

Mailing Address: Planning & Design Services, 444 S. 5th Street, Louisville, KY 40202

We look forward to seeing you.

Sincerely,



John Talbott

cc: Hon. Kevin Kramer, Councilman, District 11
Dante St. Germain, case manager with Louisville Metro Planning and Design Services
Damon Garrett, applicant with English Station Development, LLC
Derek Triplett, land planner and engineer with Land Design & Development, Inc.

Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, March 23, 2022 at 6:00 p.m. at the Middletown Library located at 12556 Shelbyville Road, Louisville, KY 40243. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper, Talbott & Roberts, and Derek Triplett, land planner and engineer with Land Design & Development, as well as the applicant Damon Garrett. The room was packed with interested neighbors; it was standing room only.

John Talbott presented a PowerPoint showing the aerial photographs of the area with other nearby projects and described the proposed apartment project, including the fact that these are townhome-style apartments. Derek Triplett explained the development plan and how the site is laid out and the reasons for how it is laid out, including the desire to do minimal disruption to the land and the desire to use the natural contours of the land to route water toward the retention basin. Damon Garrett further explained the development plan, including the upscale amenities, grade A materials, and contemporary design to align with the surrounding developments and attract young, professional tenants.

John, Damon, and Derek all answered questions from the neighbors who attended the meeting. The neighbors voiced four principal concerns:

- (1) they were extremely concerned with the development being rentals, as they preferred fee simple ownership in the form of patio homes, condominiums, or single-family residences;
- (2) they desired additional screening and space;
- (3) they were concerned about an increase in traffic on S. English Station Road; and
- (4) they were concerned about the possibility of Section 8 housing and "vouchers" from the government permitting lower-income people to reside at the apartments.

Concerning the first issue, the neighbors believed that rentals would devalue their property and attract residents who would not take good care of the property. Damon explained that the apartments were upscale apartments that included the requisite amenities to attract young professionals. In this new economy, Damon said, young professionals prefer to live in upscale apartments where they have more time to enjoy experiences in life. To attract the young professionals, the apartment needs to have a pool, grade A materials, and quality building materials, all of which this apartment complex will have. Damon explained that due to the nature of the land, the lot size, and other materials cost, it is cost-prohibitive to try to build single-family residences. Damon also explained that he could have been requesting to rezone to R-6, which would permit him to add many more units to this property, but he was attempting to build a development that would fit in with the adjoining neighborhoods and provide similar-looking buildings in the form of two-story, townhome-style properties.

Concerning the screening and space issue, the neighbors noted that some of their properties would be within 50 feet of the apartment buildings. The neighbors were concerned that they would have people

sitting in their balconies overlooking their properties. Damon offered to provide additional landscaping, screening, and even fencing. Damon stated that there were no balconies on the upstairs portions of the buildings. Damon noted that he is not required to offer the screening and fencing, but he was trying to be amenable to the neighbors. Damon and Derek also explored the possibility of moving some of the townhomes farther from the property line and re-arranging the pool and other amenities to bring the complex closer to the property's center.

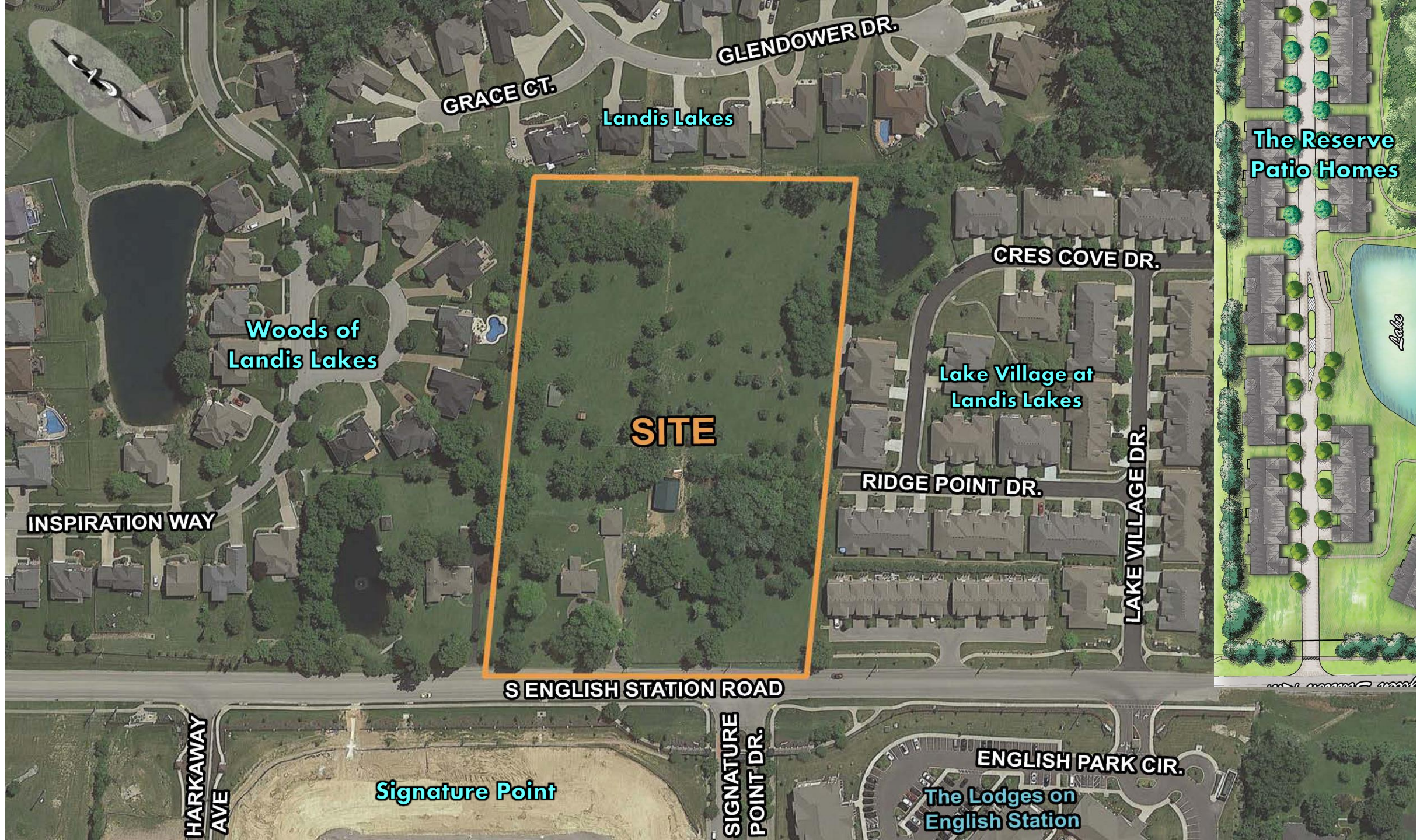
On the third issue, the neighbors were concerned about the increase in traffic on S. English Station Road. They stated that traffic is already too congested in that area. One neighbor noted that sometimes during rush hour one has to wait through four cycles of a stop light before being able to exit onto Shelbyville Road. Damon and John explained that a traffic study may be completed, and they further explained what would occur during a traffic study and how future developments and developments in the works would be calculated into the traffic study.

Finally, the neighbors raised numerous concerns about the people who might occupy the apartment complex. There were multiple questions about whether the apartments would have Section 8 housing and whether residents would be allowed to use "vouchers" from the government to get discounts on their rent. Damon explained that he is privately funded; he takes no federal funds for his developments, so he does not anticipate anyone who lives there being able to take advantage of federal programs. Damon also noted that the rents would be around \$1,500 a month, which attracts young professionals. Damon further showed the neighbors that the plans are to build two-bedroom units, which do not typically attract larger families.

The meeting concluded at 8:30 p.m.

Tab 5

Development Plan



GRACE CT.
GLENDOWER DR.
Landis Lakes

Woods of
Landis Lakes

SITE

CRES COVE DR.

Lake Village at
Landis Lakes

The Reserve
Patio Homes

INSPIRATION WAY

RIDGE POINT DR.

LAKE VILLAGE DR.

S ENGLISH STATION ROAD

HARKAWAY
AVE

Signature Point

SIGNATURE
POINT DR.

ENGLISH PARK CIR.

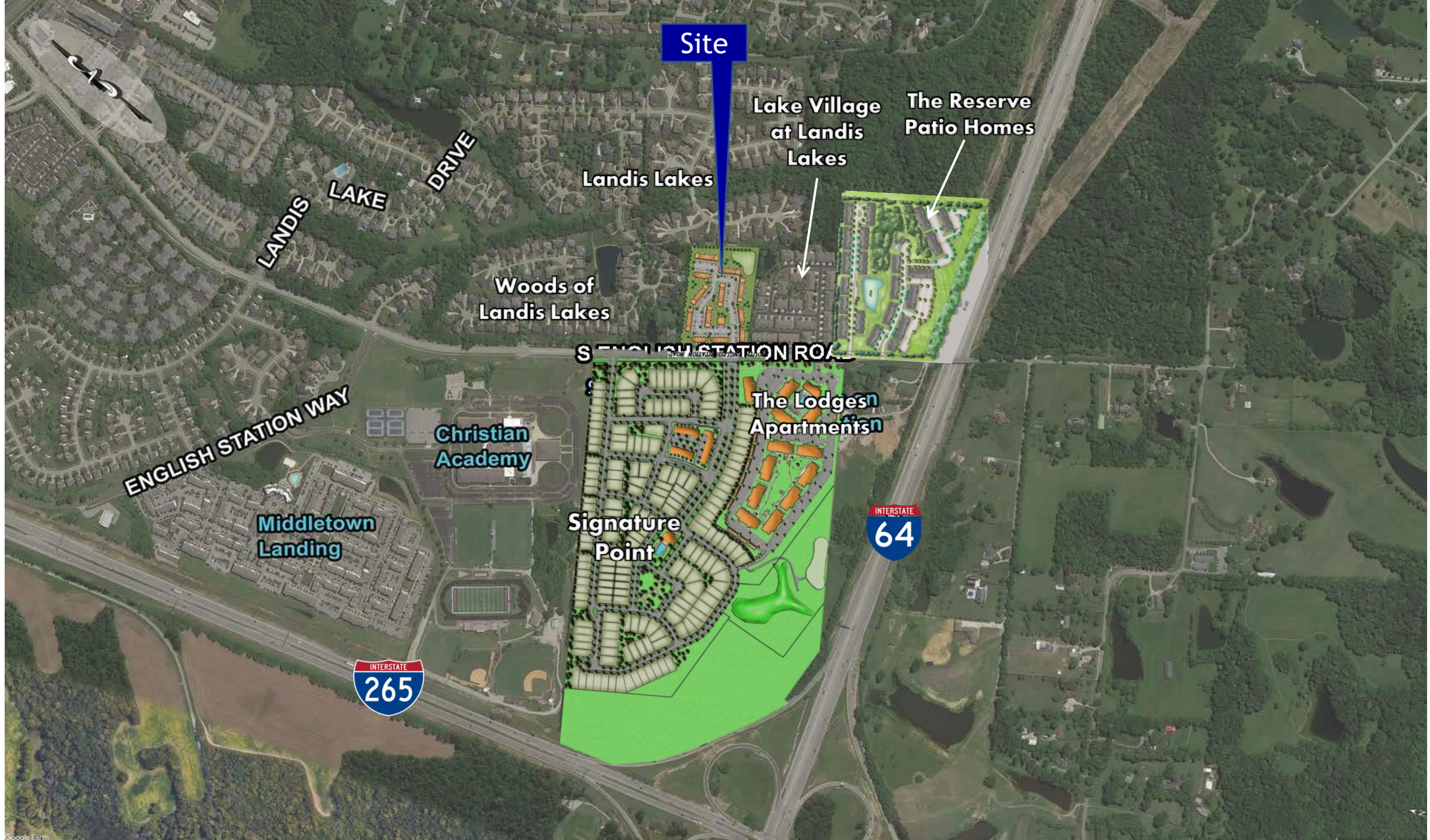
The Lodges on
English Station

Plan shown at the March 23, 2022 Neighborhood Meeting



Plan shown at the April 12, 2022 Neighborhood Meeting





Site

Lake Village
at Landis
Lakes

The Reserve
Patio Homes

Landis Lakes

Woods of
Landis Lakes

S ENGLISH STATION ROAD

The Lodges
Apartments

Signature
Point

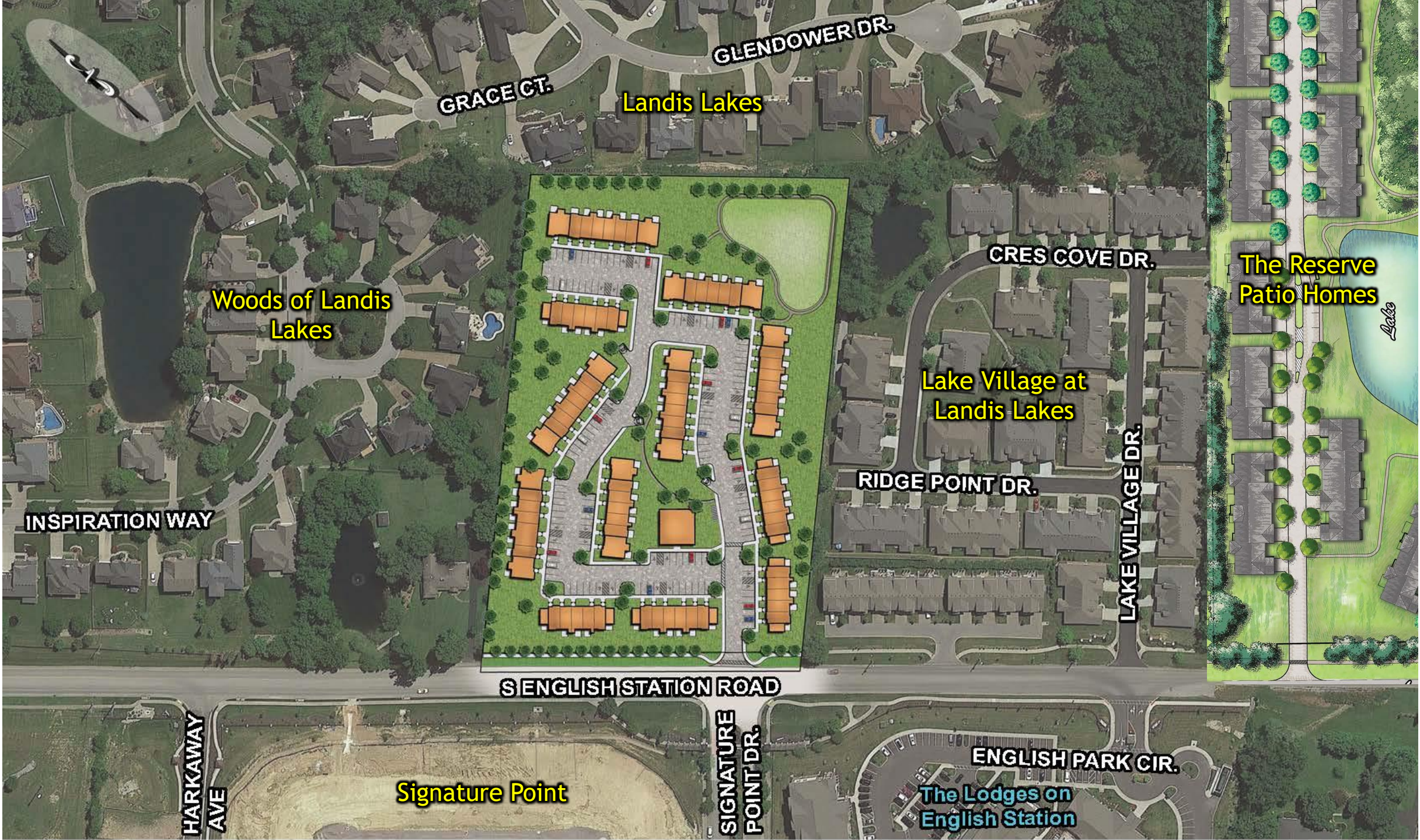
ENGLISH STATION WAY

Middletown
Landing

Christian
Academy

INTERSTATE
265

INTERSTATE
64



GLENLOWER DR.

Landis Lakes

GRACE CT.

Woods of Landis Lakes

CRES COVE DR.

**The Reserve
Patio Homes**

**Lake Village at
Landis Lakes**

RIDGE POINT DR.

LAKE VILLAGE DR.

INSPIRATION WAY

S ENGLISH STATION ROAD

**HARKAWAY
AVE**

Signature Point

**SIGNATURE
POINT DR.**

ENGLISH PARK CIR.

**The Lodges on
English Station**

#20-ZONE-0056

1007 S. English Station Rd

Development plan shown at the 10/22/20 LD&T



Development plan shown at 12/17/20 Public Hearing



ORDINANCE NO. 039, SERIES 2021

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 999 & 1007 S. ENGLISH STATION ROAD CONTAINING APPROXIMATELY 21.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0056). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

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. 20ZONE0056; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 20ZONE0056 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an amended and an additional binding element.

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 properties located at 999 & 1007 S. English Station Road containing approximately 21.8 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 20ZONE0056, is hereby changed from R-4 Residential Single Family to R-5A Residential Multi-Family; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 20ZONE0056, with the following amended and additional binding elements:

8. The roadway connections on the patio home Tract 1 to the north and east shall remain open and available to thru traffic.

No connection to the condominium development to the north shall be made, with the developer filing an amended detailed district development plan showing the connection to the condominium development to the north removed.

10. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

SECTION II: This Ordinance shall take effect upon its passage and approval.

No connection to the condominium development to the north shall be made, with the developer filing an amended detailed district development plan showing the connection to the condominium development to the north removed.

Greg Fischer
Mayor

3/11/21
Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
READ AND PASSED
March 11, 2021

By: M. Heald
O-017-21 20ZONE0056 Approval (As Amended).docx (TF)

Tab 6

Building Elevations

Clubhouse design



Clubhouse design



Apartment front



Apartment front



Apartment side



Apartment front



Apartment rear



Apartment front



Apartment rear



Tab 7

Traffic Study

final report

June 2, 2022

Turn Lane Analysis

805 South English Station Road
Louisville, KY

Prepared for

Louisville Metro Planning Commission



DIANE B. ZIMMERMAN
Traffic Engineering, LLC

12803 High Meadows Pike
Prospect, KY 40059
502.648.1858
dianebszm@att.net



INTRODUCTION

The development plan for an apartment community at 805 South English Station Road in Louisville, KY shows 82 apartment units. **Figure 1** displays a map of the site. Access to the community will be from an entrance on South English Station Road, opposite Signature Point Drive. The purpose of this study is to determine if a right turn lane is needed at the entrance. This study uses the 1007 South English Station Road study, dated July 2020 as the basis for volumes on South English Station Road.



Figure 1. Site Map

EXISTING CONDITIONS

South English Station Road is maintained by Louisville Metro with an estimated 2022 ADT of 4,800 vehicles per day south of Lake Village Drive as estimated from the turning movement count. At the site, the road is a two-lane road with eleven-foot lanes with a two-way left turn lane. There are curb and gutter on the west side and a one-foot shoulder on the east side. The speed limit is 35 mph. There are sidewalks on the west side.

Peak hour traffic counts for the intersection of South English Station Road at Lake Village Drive were obtained on Tuesday, March 3, 2020. The a.m. peak hour was 7:15 to 8:15 and the p.m. peak hour was 4:45 to 5:45. **Figure 2** illustrates the existing a.m. and p.m. peak hour traffic volumes. The Appendix contains the full count data for the intersection.

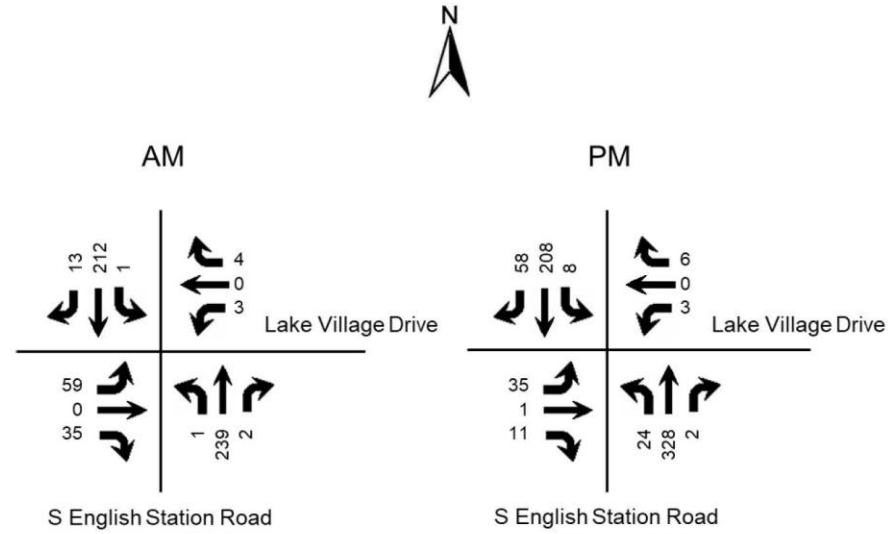


Figure 2. Existing Peak Hour Volumes

FUTURE CONDITIONS

The project completion date is 2024. The Build volumes from 1007 S English Station Road were 2023. A 2 percent annual growth has been added to those volumes. Figure 3 displays the 2024 No Build peak hour volumes. No count data is available for Signature Point Drive.

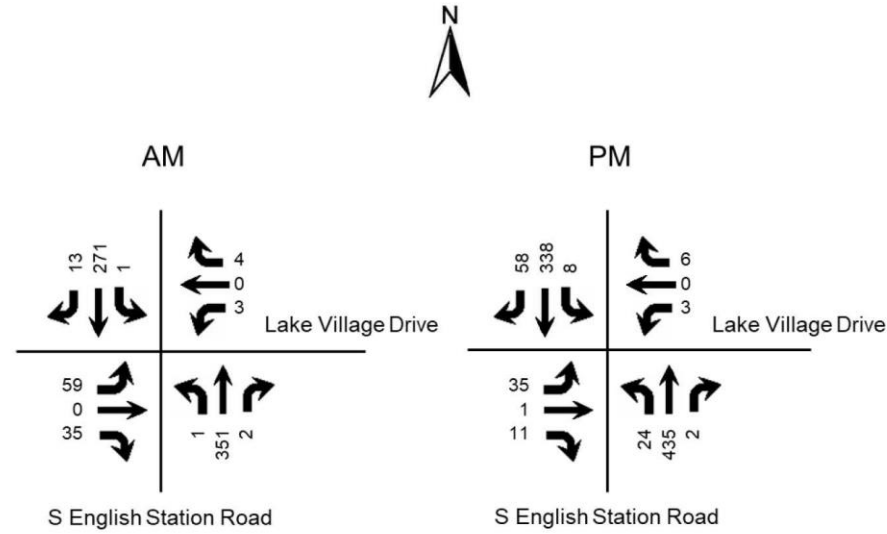


Figure 3. 2024 No Build Peak Hour Volumes

TRIP GENERATION

The Institute of Transportation Engineers [Trip Generation Manual](#), 11th Edition contains trip generation rates for a wide range of developments. The land uses of "Multifamily Housing Low-Rise (220)" was reviewed and determined to be the best match. The trip generation results are listed in **Table 1**. The trips were assigned to the highway network with the percentages shown in **Figure 4**. **Figure 5** shows the trips generated by this development and distributed throughout the road network during the peak hours. **Figure 6** displays the individual turning movements for the peak hours when the development is completed.

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	Trips	In	Out	Trips	In	Out
Multifamily Housing Low-Rise (82 units)	48	12	36	56	35	21

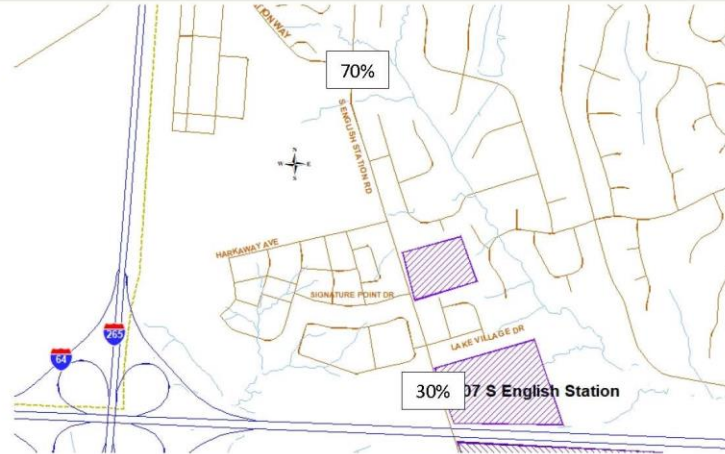


Figure 4. Trip Distribution Percentages

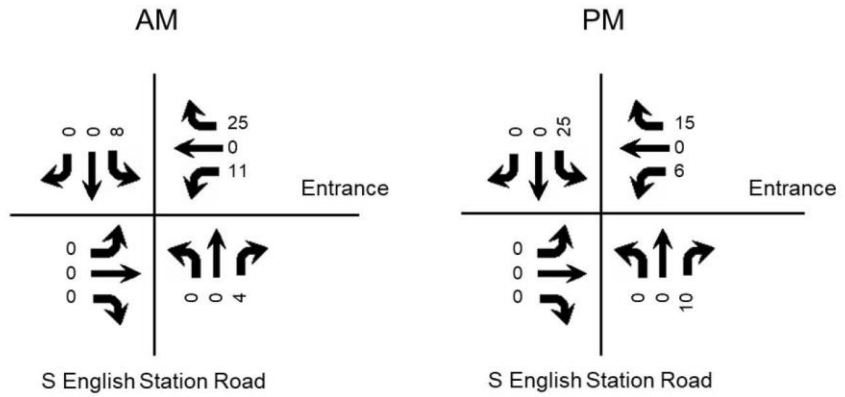


Figure 5. Peak Hour Trips Generated by Site

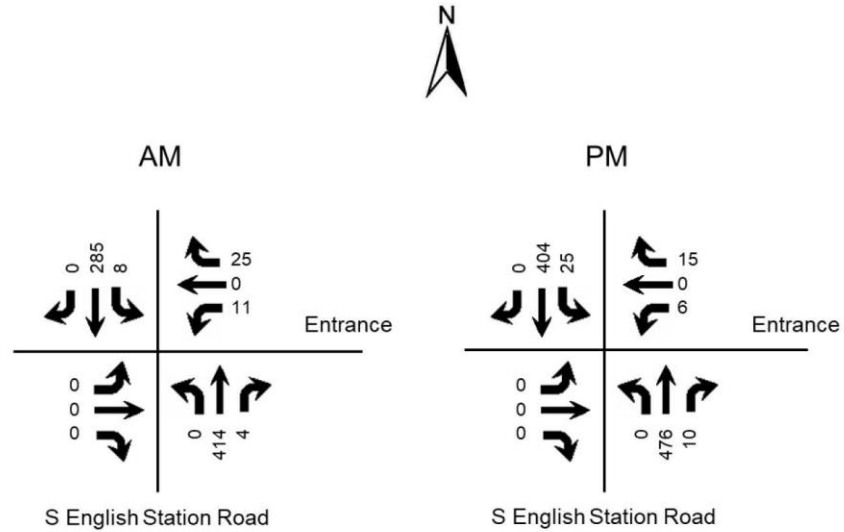


Figure 6. Build Peak Hour Volumes

ANALYSIS

The entrance was evaluated for a right turn lane using the Kentucky Transportation Cabinet [Highway Design Guidance Manual](#) dated July, 2020. Using the volumes in Figure 6, the volumes do not meet the volume warrants for a right turn lane on South English Station Road. The KYTC worksheet is included in the appendix.

CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2024, there will be a minimal impact to the existing highway network. No improvements are required.

Tab 8

Statement of Compliance filed with
the original zone change application
with all applicable Goals of the 2040
Plan and Variance Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: Sunshine Development, LLC c/o Damon Garrett

Owner: James & Laurie Greiner

Project Name/Location: S. English Station Townhomes

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-5A

Engineers, Land Planners,
Landscape Architects: Land Design & Development, Inc.

INTRODUCTION

This townhome community is proposed by builders Sunshine Development, LLC (Damon Garrett). The Applicant proposes 82 townhome units in 12 two story buildings and including a clubhouse and pool on South English Station Road across from Christian Academy. Single-family developments abut to the east and north and multi-family development to the south and west. The site is located in a Neighborhood Form District in a rapidly developing area east of the Gene Snyder Freeway and north of Shelbyville Road.

PLAN ELEMENT 4.1: COMMUNITY FORM

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

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes. However, the proposed density in this instance is not for a higher density or intensity. The 2-story townhome style of these proposed apartments, plus their design, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and specific neighborhood. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers. Located as this proposed apartment community is near to a commercial activity center and both existing and planned restaurant and major retail shopping opportunities, travel distances for these purposes are severely reduced, and walking and biking become very real possibilities. This helps contribute to improved air quality. The proposed all brick, townhouse style and design of these townhome buildings are also design and density

compatible with similar development in the area. Landscaping, screening and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses. The fact that this is a proposed residential community, similar to the north and south adjoining uses, noise will not prove a nuisance factor.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: The proposed apartment community is located in a Neighborhood Form District and provides new residential uses. Given all that is proximate to and surrounds this particular site and particular design of this proposed multi-family community makes this appear as though it was always planned this way.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: The detailed district development plan (DDDP) filed with the rezoning application for this proposed apartment community includes a community clubhouse, pool and communal open space for use by residents. Those spaces will be maintained in perpetuity by the owner of the townhouse community. The site does not contain severe, steep or unstable slopes nor any wet or highly permeable soils.

As to Goal 4, this is not a historic site with historic buildings or distinctive cultural features.

As to Goal 5, this proposed apartment community is neither large nor public enough to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below: This proposed townhome community (located as it is within an existing and growing activity center, with good access and thereby well connected as it is proposed to be near schools, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating their development along and with access to and from those networks, the aforementioned developers will at their cost construct a sidewalk along South English Station Road. In doing so, they will prepare construction plans that will assure safe access with good site distances and turning radii. Bike racks and handicapped parking spots will be installed as and where required near buildings. All drive lanes, parking spaces will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application. TARC service is not currently available outside the Gene Snyder Freeway. No new roadway improvements are proposed. There is no direct access residential access to high-speed roadways. 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 Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies. As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the

other ways set forth above and below: Christian Academy is located across South English Station Road and Crosby Middle School (4.89 miles) and Eastern High School (2.89 miles) are reasonably close. Adequate sewage treatment and disposal is provided which do not threaten water quality. The site is served by the Louisville Metro Police Department Eighth Division, Beat 3, 2927 Goose Creek Road and the Anchorage Middletown Fire District, 10217 Shelbyville Road.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies. As to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below: As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed apartment community 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 tax base essential to the provision of government services.

PLAN ELEMENT 4.5: LIVEABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The DDDP filed with this application shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the Hite Creek regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole. The site is not in a regulatory floodplain. There are no regulated streams or other protected waterways that are directly impacted by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. As mentioned above, given the location of this proposed townhome community in an existing and expanding activity center, 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 Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above: Designed as it is as 2-story townhome community, it will serve a different role and purpose than some others. With the unit amenities expected at the rental rates contemplated, this townhome community probably fits the category of "workforce" housing, meaning primarily individuals and families currently in the workplace. Because of the number of bedrooms, it's indeed possible that some residents, particularly staff and teachers will take advantage of proximity to the nearby Christian Academy, will have children.

* * *

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 revised application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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

Docket No. 22-ZONE-0049; 805 S. English Station Road Variance Justification:

Applicant requests a variance of LDC Section 5.1.12.B.2.A to allow the proposed buildings to exceed the infill front setback range for the following reasons:

1. The variance will not adversely affect the public health, safety or welfare because Right of Way was required to be dedicated along South English Station Road which resulted in there being less area for the buildings, open space and amenities. The nearest building is 23 feet from the new property line which is ample spatial separation from the roadway. The infill setback range is established by the multi-family development to the south and this setback does not negatively affect that development. There are no sight distance issues created by this variance. The adjacent multi-family development on which the infill setback range was established (55' minimum to 82' maximum) has a parking lot in front of its buildings whereas the subject site setback is occupied by green space which is preferable for aesthetic reasons and is a better pattern of development for the area.
2. The variance will not alter the essential character of the general vicinity because the streetscape and the aesthetics of the area are not negatively affected by this variance and the plan provides for the buildings to be placed at angles so as to avoid a "barracks type" of appearance. All other LDC requirements will still be met.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic, and which will cause 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 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, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because otherwise the buildings would have to be reduced in size or eliminated making the project financially infeasible..
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.

Tab 9

Proposed findings of fact
pertaining to compliance with
the 2040 Plan and Variance
criteria

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

<u>Applicant:</u>	Sunshine Development, LLC c/o Damon Garrett
<u>Owner:</u>	James & Laurie Greiner
<u>Project Name/Location:</u>	S. English Station Townhomes
<u>Proposed Use:</u>	Multifamily Residential
<u>Request:</u>	Zone change from R-4 to R-5A
<u>Engineers, Land Planners, Landscape Architects:</u>	Land Design & Development, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 21, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, this townhome community is proposed by builders Sunshine Development, LLC (Damon Garrett); the Applicant proposes 82 townhome units in 12 two story buildings and including a clubhouse and pool on South English Station Road across from Christian Academy; single-family developments abut to the east and north and multi-family development to the south and west; and the site is located in a Neighborhood Form District in a rapidly developing area east of the Gene Snyder Freeway and north of Shelbyville Road; and

PLAN ELEMENT 4.1: COMMUNITY FORM

WHEREAS, as to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies because the site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes; and however, the proposed density in this instance is not for a higher density or intensity; the 2-story townhome style of these proposed apartments, plus their design, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and specific neighborhood; Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers; located as this proposed apartment community is near to a commercial activity center and both existing and planned restaurant and major retail shopping opportunities, travel distances for these purposes are severely reduced, and walking and biking become very real possibilities; this helps contribute to

improved air quality; the proposed all brick, townhouse style and design of these townhome buildings are also design and density compatible with similar development in the area; landscaping, screening and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses; and the fact that this is a proposed residential community, similar to the north and south adjoining uses, noise will not prove a nuisance factor; and

WHEREAS, as to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17 because the proposed apartment community is located in a Neighborhood Form District and provides new residential uses; and given all that is proximate to and surrounds this particular site and particular design of this proposed multi-family community makes this appear as though it was always planned this way; and

WHEREAS, as to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies because the detailed district development plan (DDDP) filed with the rezoning application for this proposed apartment community includes a community clubhouse, pool and communal open space for use by residents; and those spaces will be maintained in perpetuity by the owner of the townhouse community; and the site does not contain severe, steep or unstable slopes nor any wet or highly permeable soils; and

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

WHEREAS, as to Goal 5, this proposed apartment community is neither large nor public enough to include an element of public art; and

PLAN ELEMENT 4.2: MOBILITY

WHEREAS, this application complies with Plan Element 4.2, its 3 Goals and their Objectives because as to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, because this proposed townhome community (located as it is within an existing and growing activity center, with good access and thereby well connected as it is proposed to be near schools, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks; locating their development along and with access to and from those networks, the aforementioned developers will at their cost construct a sidewalk along South English Station Road; in doing so, they will prepare construction plans that will assure safe access with good site distances and turning radii; bike racks and handicapped parking spots will be installed as and where required near buildings; all drive lanes, parking spaces will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements; these are preliminarily approved as shown on the DDDP filed with this application; TARC service is not currently available outside the Gene Snyder Freeway; no new roadway improvements are proposed; there is no direct access residential access to high-speed roadways; and all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

WHEREAS, this application complies with Plan Element 4.3, its 3 Goals and their Objectives because as to Goal 2, Policies 1, 2 and 3, Christian Academy is located across South English Station Road and Crosby Middle School (4.89 miles) and Eastern High School (2.89 miles) are reasonably close; adequate sewage treatment and disposal is provided which do not threaten water quality; the site is served by the Louisville Metro Police Department Eighth Division, Beat 3, 2927 Goose Creek Road and the Anchorage Middletown Fire District, 10217 Shelbyville Road; and

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

WHEREAS, this application complies with Plan Element 4.4, its 2 Goals and their Objectives because as to Goal 2, Policies 1 and 3 because as Louisville Metro’s population continues to grow, so does demand for housing of all types; this proposed apartment community 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; and it also increases the tax base essential to the provision of government services; and

PLAN ELEMENT 4.5: LIVEABILITY

WHEREAS, this application complies with Plan Element 4.5, its 4 Goals and their Objectives because as to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, the DDDP filed with this application shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions; sanitary sewer service is available at the Hite Creek regional wastewater treatment plant; and it can be accessed via lateral extension to and from an existing nearby manhole; the site is not in a regulatory floodplain; there are no regulated streams or other protected waterways that are directly impacted by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated; as mentioned above, given the location of this proposed townhome community in an existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced; and

PLAN ELEMENT 4.6: HOUSING

WHEREAS, this application complies with Plan Element 4.6, its 3 Goals and their Objectives because as to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, this project is designed as a 2-story townhome community, it will serve a different role and purpose than some others; with the unit amenities expected at the rental rates contemplated, this townhome community probably fits the category of “workforce” housing, meaning primarily individuals and families currently in the workplace; because of the number of bedrooms, it’s indeed possible that some residents, particularly staff and teachers will take advantage of proximity to the nearby Christian Academy, will have children; 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-5A and approves the Detailed District Development Plan.

Variance Findings of Fact

Variance of LDC Section 5.1.12.B.2.A to allow the proposed buildings to exceed the infill front setback range

WHEREAS, the variance will not adversely affect the public health, safety or welfare because Right of Way was required to be dedicated along South English Station Road which resulted in there being less area for the buildings, open space and amenities; the nearest building is 23 feet from the new property line which is ample spatial separation from the roadway; the infill setback range is established by the multi-family development to the south and this setback does not negatively affect that development; there are no sight distance issues created by this variance; the adjacent multi-family development on which the infill setback range was established (55' minimum to 82' maximum) has a parking lot in front of its buildings whereas the subject site setback is occupied by green space which is preferable for aesthetic reasons and is a better pattern of development for the area; and

WHEREAS, the variance will not alter the essential character of the general vicinity because the streetscape and the aesthetics of the area are not negatively affected by this variance and the plan provides for the buildings to be placed at angles so as to avoid a "barracks type" of appearance; and all other LDC requirements will still be met; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because it is completely aesthetic, and which will cause 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 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, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because otherwise the buildings would have to be reduced in size or eliminated making the project financially infeasible; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove; and

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