

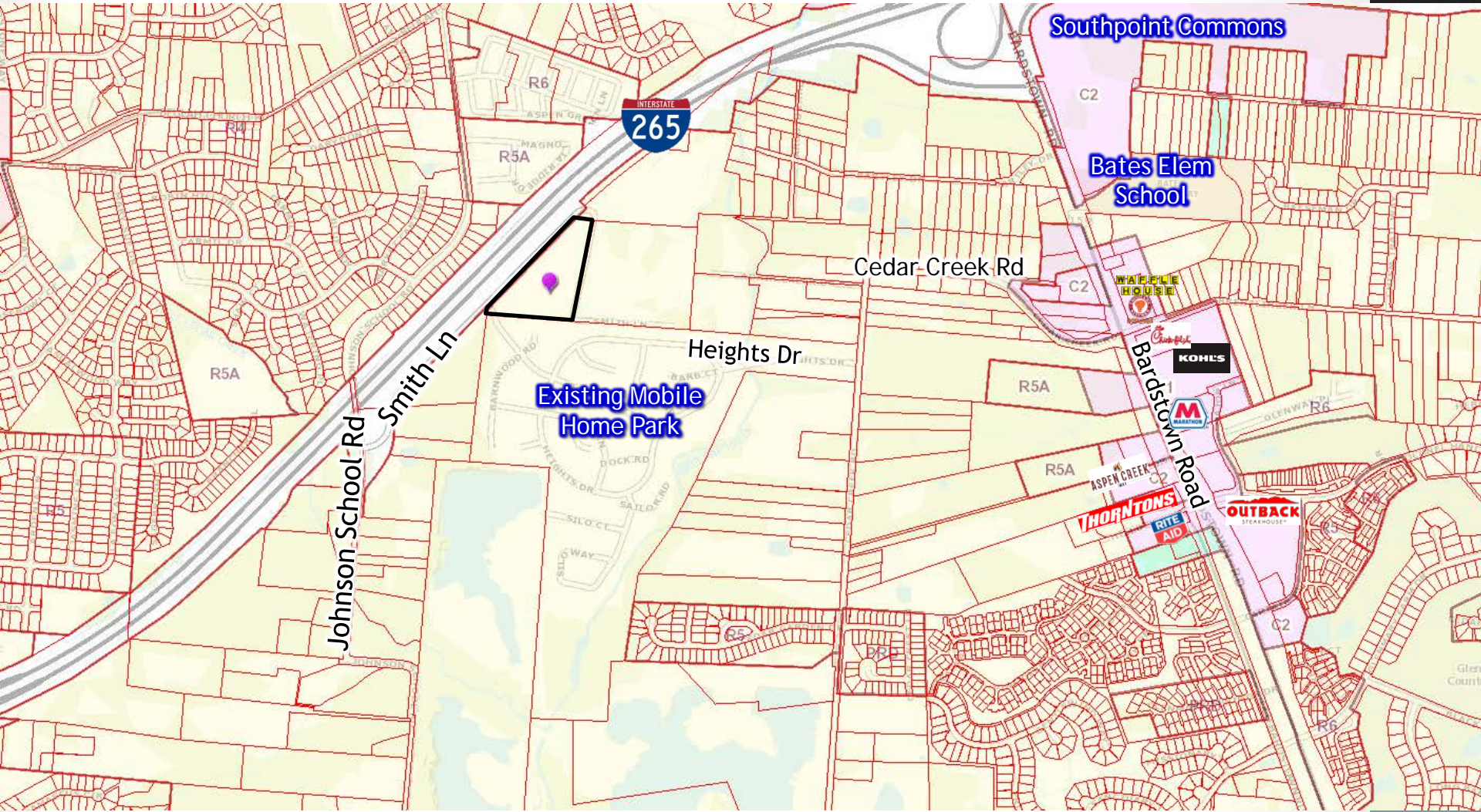
Docket No. 19-Zone-0026 & 19-M-SUB-0008

Proposed change in zoning from R-4 to PRD, and 39-lot subdivision plan on approximately 7.93 acres on property located at 8700 Smith Lane

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8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

Tab 1
LOJIC Zoning Map



Southpoint Commons

INTERSTATE
265

Bates Elem
School

Cedar-Creek Rd



Existing Mobile
Home Park

Heights Dr

Johnson School Rd
Smith Ln

Bardtown Road

THORNTONS

RITE
AID

OUTBACK
STEAKHOUSE

KOHL'S

WHEEL
HOUSE

R5A

R6

R5A

R5A

R5A

R5A

R6

C2

C2

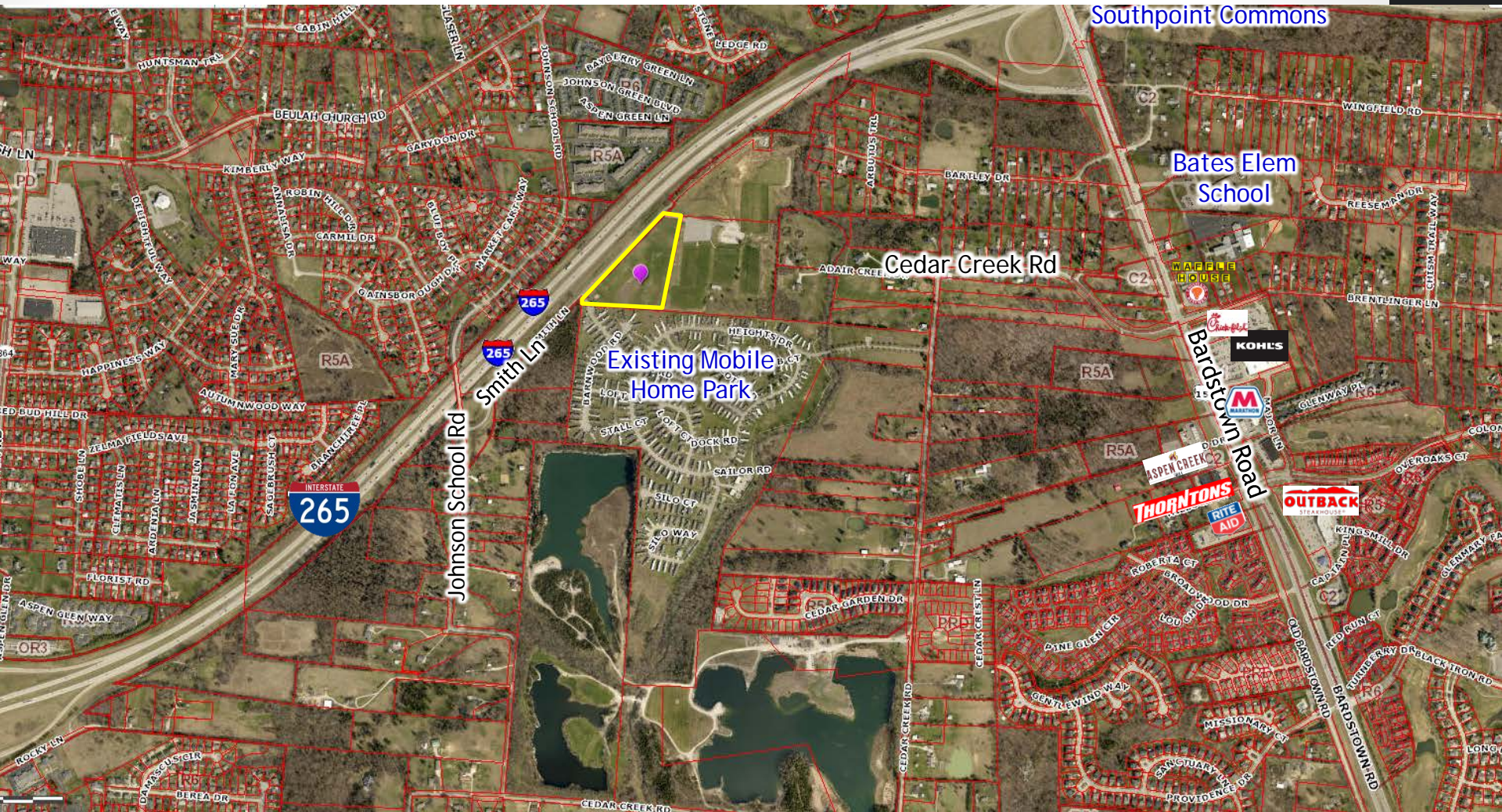
C2

R6

Glen
Court

Tab 2

Aerial photograph of the site and
surrounding area



Southpoint Commons

Bates Elem
School

Cedar Creek Rd

Existing Mobile
Home Park

Johnson School Rd

Smith Ln

INTERSTATE
265

Bardstown Road

THORNTONS

OUTBACK
STEAKHOUSE

RITE
AID

KOHL'S

Waffle House

ASPEN CREEK

GLENWAY PL

KINGSMILL DR

CAPTAIN PL

MEG RUN ST

WILKESBARY DR

PROVIDENCE DR

CEDAR CREEK RD

CEDAR GARDEN DR

CEDAR CREEK LN

CEDAR CREEK LN

ROBERTA CT

BROADWOOD DR

LOO CHURCH DR

PINE GLEN CT

GENTLEWIND WAY

MISSIONARY CT

SANCTUARY LN

PROVIDENCE DR

OVEROAKS CT

KINGSMILL DR

CAPTAIN PL

MEG RUN ST

WILKESBARY DR

BLACK IRON RD

LONG

PROVIDENCE DR

BLACK IRON RD

OVEROAKS CT

KINGSMILL DR

CAPTAIN PL

MEG RUN ST

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OVEROAKS CT

KINGSMILL DR



INTERSTATE
265

Smith Ln

Soccer fields

Smith Ln

Cedar Heights
Mobile Home Park

Barn Rd

Existing Mobile
Home Park

Google

Imagery ©2019 Google, Map data ©2019 United States Terms Send feedback 100 Ft

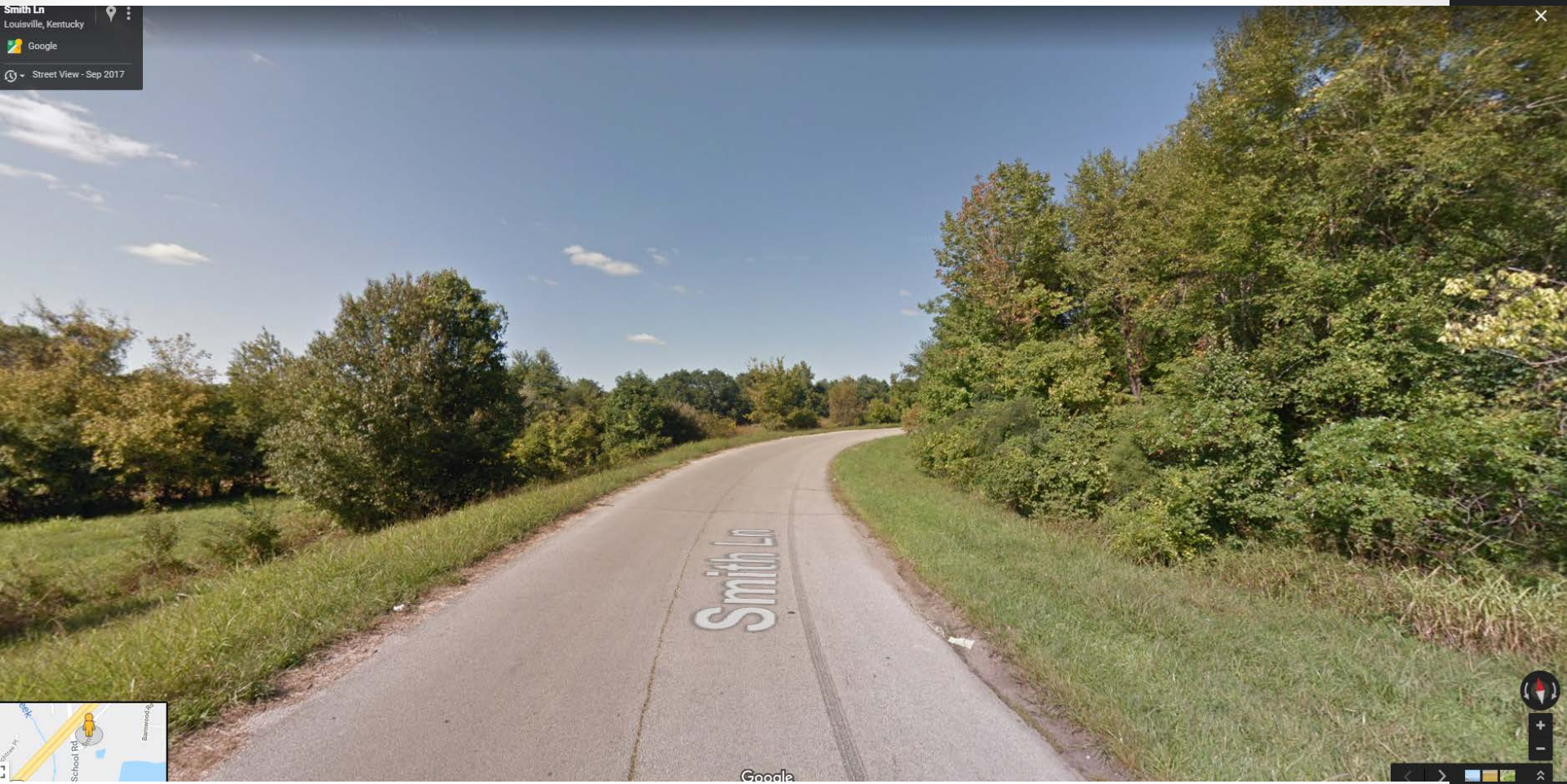
Tab 3

Ground level photographs of the site
and surrounding area

Google
Street View - Sep 2017



Looking north towards intersection of Johnson School Rd and Smith Lane



Looking further northeast down Smith Ln towards site.



Looking further northeast down Smith Ln towards site.



Looking towards site and entrance to Cedar Heights Mobile Park via Barn Rd.

Smith Ln
Cedar Heights, Kentucky
Google
Street View - Sep 2017

SITE

Barn Rd



Entrance to Cedar Heights Mobile Park via Barn Rd.



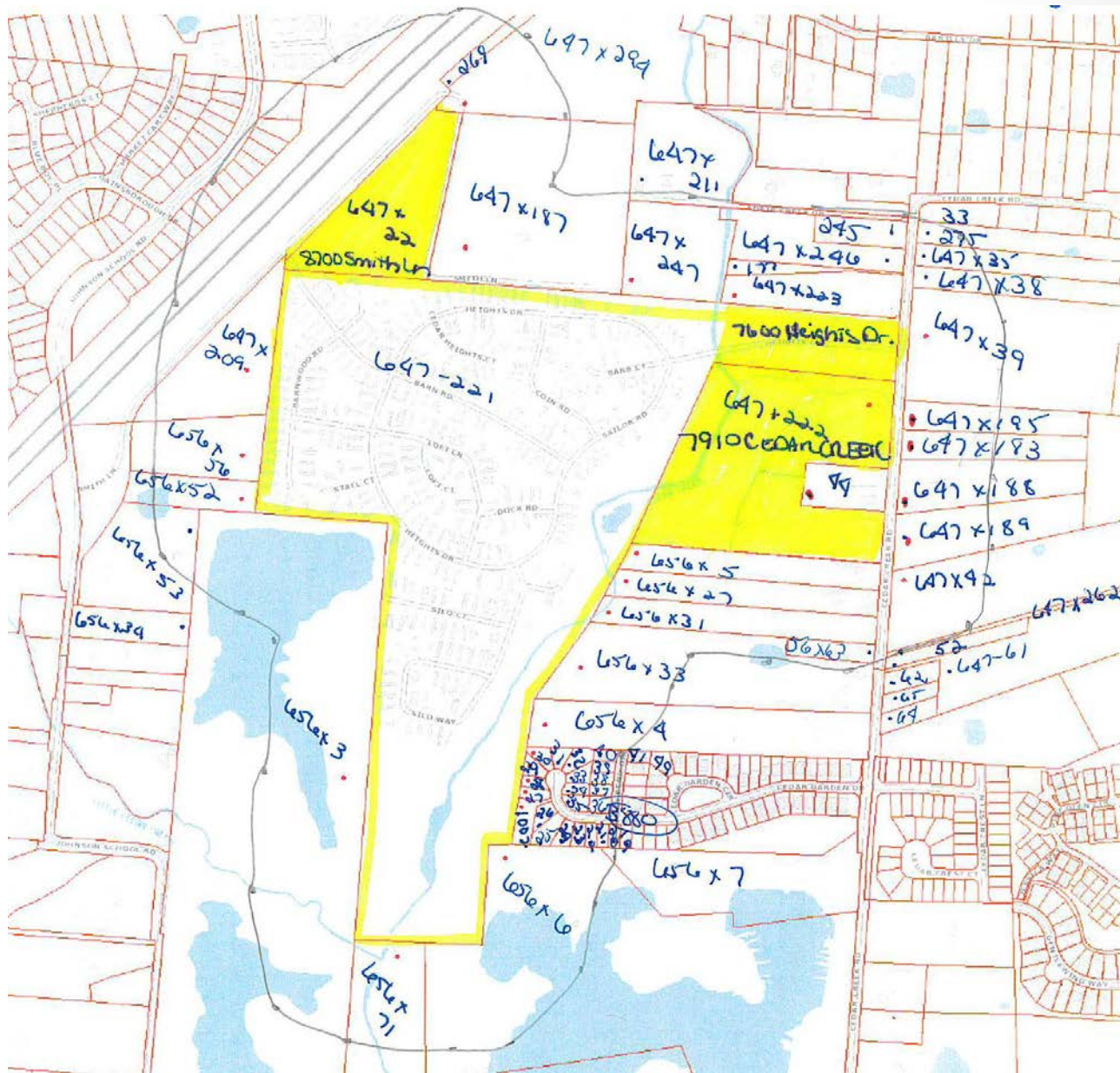
View of site from Smith Ln.



View of site from eastern most point of Smith Ln.

Tab 4

Neighborhood Meeting notice list
map, letter to neighbors inviting
them to the meeting and summary
of meeting



Adjoining property owner notice list map wherein 69 neighbors plus those on the DPDS "interested party list" were invited to the neighborhood meeting (combined with #19-MSUB-0007) and subsequent LD&T and Planning Commission public hearing.

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

John C. Talbott
Direct dial: 426-0388, ext. 133
Email: JOHN@BARDLAW.NET

June 5, 2019

Dear Neighbor,

RE: Proposed change in zoning from R-4 to PRD to allow a 38-lot single family home subdivision on approximately 7.93 acres on property located at 8700 Smith Lane and a Conservation Subdivision on approximately 40.85 acres at 7910 Cedar Creek Road and a portion of 7600 Heights Drive

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow a 38-lot subdivision to be located at 8700 Smith Lane and our conservation subdivision plan to be located at 7910 Cedar Creek Road and a portion of 7600 Heights Drive.

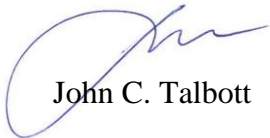
Accordingly, we have filed both a zone change plan and a conservation subdivision plan for pre-application review on Monday, June 3rd with the Division of Planning and Design Services (DPDS). The zone change plan at 8700 Smith Lane has been assigned case number **19ZONE1042** and the conservation subdivision plan at 7910 Cedar Creek Road has been assigned case number **19SUBDIV1009**. Both cases have been assigned case manager, **Dante St. Germain**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Thursday, June 20th at 7:00 p.m.** at **The Fern Creek Community Association & Chamber of Commerce Annex room** located at **6104 Bardstown Road**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



John C. Talbott

cc: Hon. Robin Engel, Councilman, District 22
Dante St. Germain, case manager with Division of Planning & Design Services
Kathy Linares, land planners with Mindel, Scott & Associates, Inc.
Robert Allen, Applicant/Owner

Neighborhood Meeting Summary

A neighborhood meeting was held on Thursday, June 20th at 7:00 p.m. at The Fern Creek Community Association & Chamber of Commerce Annex room located at 6104 Bardstown Road. Those in attendance included the applicant's representatives, John C. Talbott, attorney with Bardenwerper, Talbott & Roberts, and David Mindell and Curtis Mucci, land planner and engineer with Mindel Scott & Associates, as well as the applicant, Robert Allen.

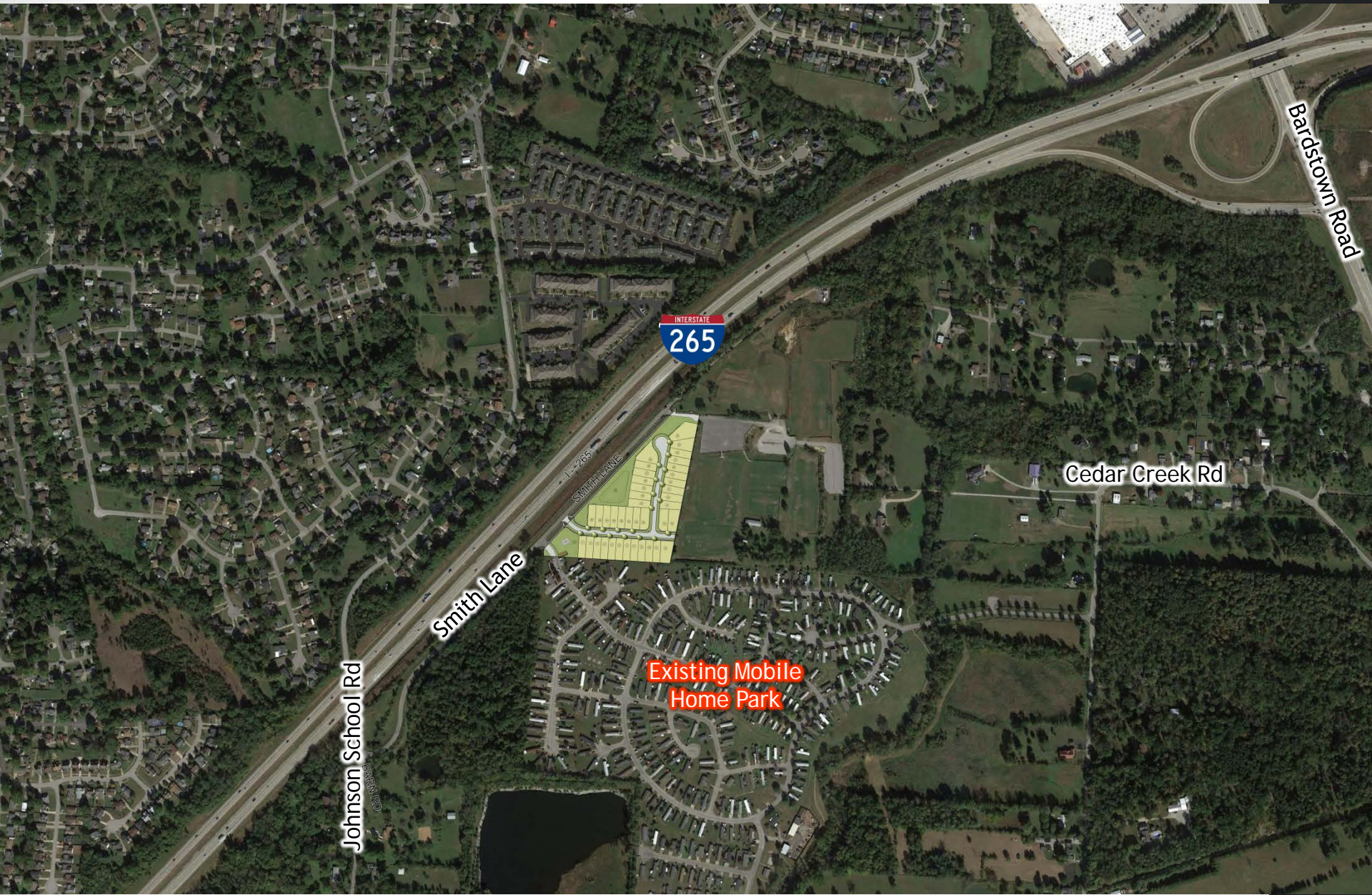
The meeting began with John Talbott showing a PowerPoint presentation of the area and nearby development. He did this so that everyone present was fully familiar with exactly the properties being considered and impacted. He described also the proposed plan for this site, its perimeter buffers and setbacks, the location of lots, and the proposal for points of access. Mr. Talbott also explained that this property will not abut any other current residences (aside from those owned by the applicant), as it is next to the Gene Snyder Freeway and soccer fields.

Major issues raised by neighbors included the cost point of the housing, since it will be intended to be homes which are affordable. This was especially concerning among the residents who reside on and around Cedar Creek . A couple of residents raised issues about drainage, complaining that they already had some drainage issues. Mr. Mindel and Mr. Mucci explained why the project would not add to any drainage issues because of the on-site detention basin assuring that post-development peak rates of runoff to will not exceed pre-development conditions. They also explained how sewers would serve the properties. They also explained how the site was surrounded with significant buffers because the site surrounded by the expressway and the soccer fields mitigating potential adverse impacts on neighbors.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such MSD and others, will review the submitted plan and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

Tab 5

Development Plan



Johnson School Rd

Smith Lane

INTERSTATE
265

Existing Mobile
Home Park

Cedar Creek Rd

Bardtown Road



SMITH LANE

40
DETENTION
BASIN

BEAN RD

I-265

41

1

2

3

4

5

6

7

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12

39

38

37

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34

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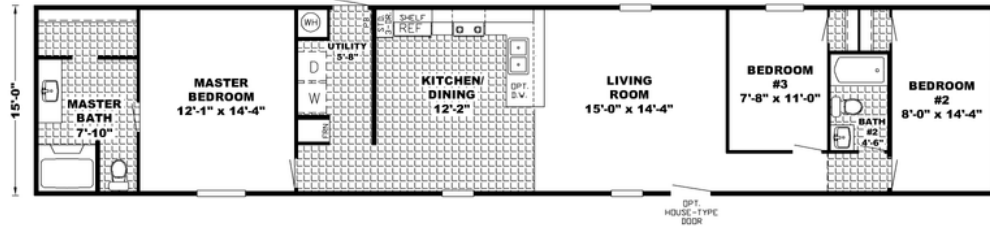


Planned Residential Development District "PRD"

	Required	Proposed
Maximum Density	7.26 du/a	Gross 4.91 du/a Net 5.85 du/a
Maximum floor Area	2.0 FAR	MAX 0.25 FAR
Stories	Max 35 ft	1-story

Tab 6
Sample Home Style and Design

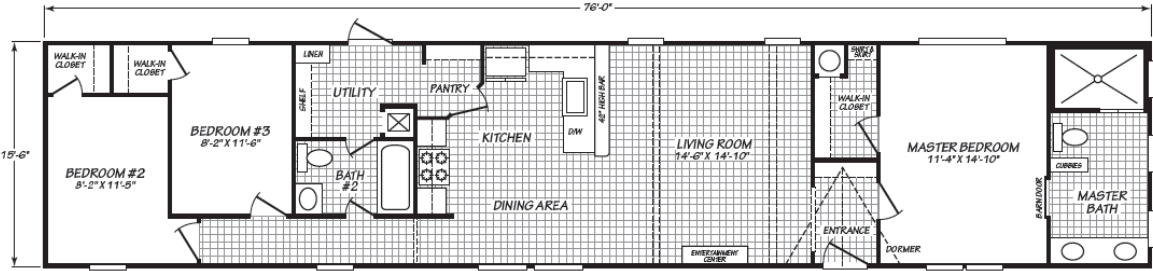
MODEL SIG16763A-76-3/16X76



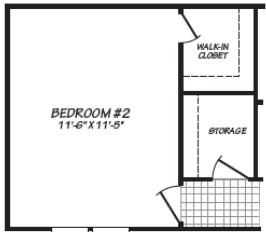
3 bedrooms
2 bathrooms
1,140 sq ft

**** TUNICA 2015**



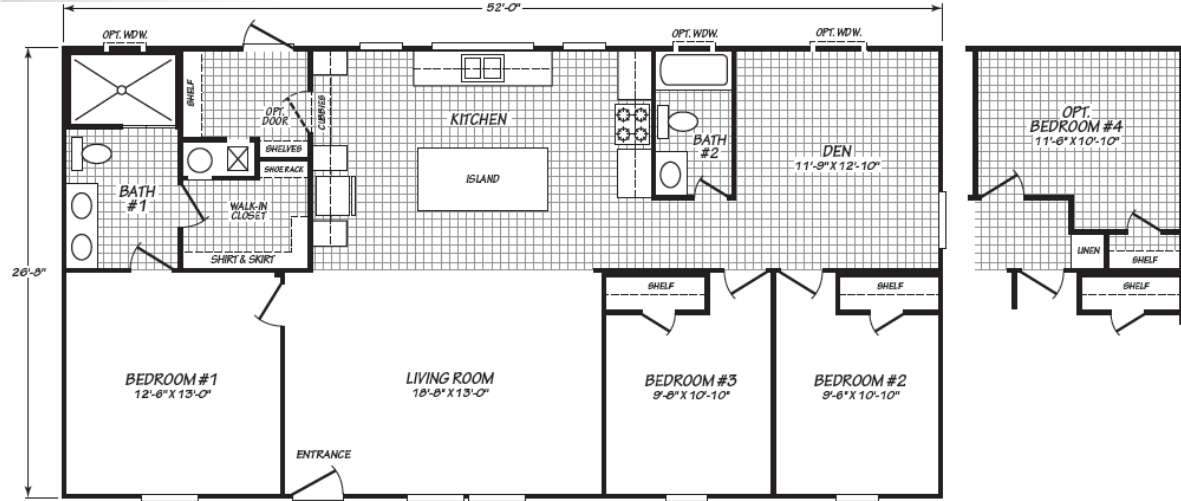


3 bedrooms
2 bathrooms
1,178 sq ft



OPT. TWO BEDROOM

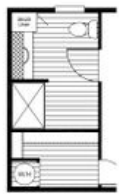
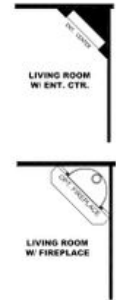




3 bedrooms
2 bathrooms
1,386 sq ft



4 bedrooms
2 bathrooms
1,190 sq ft



OPTION 48" SHOWER BATH



OPTION A



OPTIONAL DUAL MASTER SUITE



4 bedrooms
2 bathrooms
1,475 sq ft



Tab 7

Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver 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, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

<u>Applicant & Owner:</u>	Smith Lane Property, LLC
<u>Location:</u>	8700 Smith Lane
<u>Proposed Use:</u>	Single Family Subdivision
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Request:</u>	Zone change from R-4 to PRD

The purpose of the Planned Development (PRD) District is to provide flexibility in layout and design of residential developments in a manner that promotes implementation of the Plan 2040 Comprehensive Plan for Louisville Metro. The PRD district allows for zero lot line homes, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intents of the Comprehensive Plan, all of which this development plan complies with. In that regard, the PRD regulation requires that a PRD plan shall meet 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 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.

This proposed PRD home style development meets at least two of the above criteria, notably numbers 3 and 4 because this is a community intended for families with and without children, single owners, and elderly retired people all of whom are looking for well maintained, quiet, safe *and affordable housing*, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., more costly, standard single family homes on larger lots which residents are obtain bank type mortgages and are expected to maintain. This particular area of Metro Louisville is like almost all others where traditional style, detached single family homes are the norm. There are very few affordable options of housing where the areas are also well

maintained, safe, and quiet in the area that allows homeownership. The proposed affordable home options using manufactured housing on smaller lots thus adds to the diversity of housing types in this area and will supply needed housing under demand for the Louisville Metro community. The owner is also considering renting the lots and the homes, which also would help fill a need for homeowners not wanting ownership. The smaller lots also allow for less yard maintenance and thus add to the affordable nature of this proposed subdivision. The Plan 2040 Comprehensive Plan strongly supports the provision of affordable and appropriate housing, and this new and additional housing option will provide just that being in a different price point than the surrounding residential homes.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Objectives and Policies 2, 4, 5, 9, and 11 of Goal 1, for these reasons:

This proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer lower cost, affordable housing with smaller lots. Homes will be constructed of attractive building materials (vinyl siding) and will feature architectural details similar to those in other nearby residential areas in order to ensure that the scale and appearance of this community will be compatible with the existing communities in this area.

Setbacks, lot dimensions, and building heights will be consistent with the mobile home park nearby and that meet the Form District Guidelines. At the same time, the lot size will provide a diversity of densities since many of the nearby residential areas comprise larger lots sizes. The site itself abuts a mobile home park, soccer fields and the I-264 expressway, utilizing an underused property for an economically needed use.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 9 of Goal 2, for the following reasons:

The proposed development is an infill development providing new housing within the southcentral portion of Louisville Metro.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with 1, 2, 3, 6, 8, 10, 12 and 9 of Goal 3, for these reasons:

The proposed development has been designed to avoid wet soils and it is located on a flat portion of land, avoiding steep slopes and unstable soils. There are no wet or highly permeable soils,

severe, steep or unstable slopes on the subject property that would create erosion problems. The development plan further incorporates open space into the subdivision and development that can be visually enjoyed by the community and ensures transitions between the various surrounding properties

MOBILITY

Goal 1 – implement an accessible system of alternative transportation modes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, for the following reasons:

This proposed rezoning will cater to those potential apartment renters and owners that enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit. Sidewalks are being added to the property to provide pedestrian connections for easy walkability to the adjoining mobile home park. This proposed higher density residential use is located in very close proximity to the marketplace corridors along Bardstown Road, as well as the employment centers in downtown Louisville through its proximity to the interstate road system.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with 4, 5, and 6 of Goal 2, for the following reasons:

The proposed development will avoid access to development through areas of significantly lower intensity as it will connect with Barn Rd. and have the mobile home park and soccer fields and the immediate neighbors. The entrances will also be compliant with all requirements in the Land Development Code and Metro Works to ensure that all sight lines for entrances will be compatible with traffic, speed, terrain, etc. in street design.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of Goal 3, for these reasons:

The proposed redevelopment of this underutilized property and undeveloped land into a new and vibrant residential community will provide new housing stock critically needed by Louisville Metro to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options. The subject properties close proximity to the Bardstown Rd. corridor will also help eliminate multiple automobile trips for services offered in that commercial area. Due to this development's opportunity for pedestrian and bicycle travel, this proposal will have a fraction of the demand on the public transportation network that a new development in the outer portions of Louisville Metro would have on this network. The additional residential lots this development

would provide would also help create a larger demand for the existing public transportation options in the Bardstown Rd. area.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with 1, 2, and 3 of Goal 2, for these reasons:

The subject property is currently served by existing utilities and has adequate capacity for this proposed development as will be confirmed through all utility providers through this rezoning process. These confirmations specifically include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity.

ECONOMIC DEVELOPMENT

Goal 1 & 2 – Provide economic climate that improves growth innovation, investment and opportunity for all, and Cultivates a vibrant city that attracts, retains and develops a highly skilled work-force.

The proposed zone change complies with the Goals, Objectives and Policies of Goals 1 & 2 to the extent that it provides affordable housing options, diversifying the current type of housing available, and thus supporting a diverse and highly skilled work-force in the Louisville Metro community.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with 5, 10, 17, 21, 31, 32, and 35 of Goal 1, for these reasons:

There are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition through the detention and water quality as shown on the DDDP. The added detention and water quality unit will not only help mitigate the impacts of this development but likely help with the existing floodplains in the area to the extent same exist.

HOUSING

Goal 1 – Expand and ensure a diverse range of housing choices.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 1 and 3 of Goal 1, for these reasons:

As stated previously, the proposal is for a new and different housing option for the area, being affordable new manufactured construction residential lacking in Louisville Metro which has the qualities of much higher priced residential, being quiet, family-oriented, safe, and clean environment.

Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with 1, 2 and 7 of Goal 2, for these reasons.

This affordable form of residential development provides a housing option for a mixture of residents, including the new family, single persons, and older homeowner that wants to live in close proximity to services near Bardstown Rd. and the Interstate system, and those persons of all ages and incomes that want to live in high-quality, but affordable living environment.

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including 1, 2, 3, 4, 6, 8, 12, for these reasons:

The proposed development will be a different housing option with the ability to rent a lot and a manufactured home, or bring their own manufactured home, than more traditional single-family residential lot that predominates throughout the surrounding area, and thus will have a different and more affordable price point. The proposed development will also have a mixture of housing options, which includes the small and most affordable small manufactured home, to the larger, manufactured home with more amenities. This type of housing options will also help by providing multiple options for the existing residents in the area that want to raise families as well as age in place and in their community in an affordable, safe, quiet, and clean environment.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

General Waiver Justification:

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

Waiver of Section 7.3.30.E to allow more than 15% of a required rear yard of a buildable lot to be encompassed by a drainage easement.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it is a typical occurrence for sewer and drainage easements to be located in the rear yard, since this does not reduce the depth of the yard and since the easement is needed to provide a ditch within it that will keep any increase in runoff from this development negatively impacting the adjacent properties.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application and since adequate drainage facilities will be provided to serve the development, since this will not affect the applicants ability to preserve existing vegetation nor affect any other aspect of this developments compliance with either the Plan 2040 or the requirements of the Land Development Code.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in order to allow for the best design of the individual lots. It has been generally accepted that drainage easements be located in the rear yard either along the rear property line or offset from this typically to preserved existing vegetation. Without the waiver the applicant would be required to locate the drainage way a minimum of 25' from the rear property line and therefore in close proximity to the home. It would reduce the usable area close to the home that would otherwise be used by the homeowner as their private yard, and area typically reserved for outdoor dining, entertainment, relaxation and/or recreation.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because locating the drainage easement in the rear yard has been the preferred and acceptable practice

and now requiring it to be a minimum of 25 feet off the rear property line create an unnecessary hardship for the homeowner in reducing the usable area of the private yard with a ditch separating the area adjacent to the home from the rear yard.

Tab 8

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

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

<u>Applicant & Owner:</u>	Smith Lane Property, LLC
<u>Location:</u>	8700 Smith Lane
<u>Proposed Use:</u>	Single Family Subdivision
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Request:</u>	Zone change from R-4 to PRD

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on January 9, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, the purpose of the Planned Development (PRD) District is to provide flexibility in layout and design of residential developments in a manner that promotes implementation of the Plan 2040 Comprehensive Plan for Louisville Metro; the PRD district allows for zero lot line homes, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intents of the Comprehensive Plan, all of which this development plan complies with; and in that regard, the PRD regulation requires that a PRD plan shall meet 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 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; and

WHEREAS, this proposed PRD home style development meets at least two of the above criteria, notably numbers 3 and 4 because this is a community intended for families with and without children, single owners, and elderly retired people all of whom are looking for well maintained, quiet, safe *and affordable housing*, as opposed to that form of housing that still

predominates most of Metro Louisville – i.e., more costly, standard single family homes on larger lots upon which residents obtain mortgages and are required to maintain; this particular area of Metro Louisville is like almost all others where traditional style, detached single family homes are the norm; there are very few affordable options for housing where the areas are also well maintained, safe, and quiet in the area that allows homeownership; the proposed affordable home options using manufactured housing on smaller lots thus adds to the diversity of housing types in this area and will supply needed housing in high demand in the Louisville Metro community; the owner is also considering renting the lots and the homes, which also would help fill a need for homeowners not wanting the obligations of ownership; the smaller lots also allow for less yard maintenance and thus add to the affordable nature of this proposed subdivision; and the Plan 2040 Comprehensive Plan strongly supports the provision of affordable and appropriate housing, and this new and additional housing option will provide just that being in a different price point than the surrounding residential homes; and

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Objectives and Policies 2, 4, 5, 9, and 11 because this proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer and need lower cost, affordable housing with smaller lots; and homes will be constructed of durable and attractive building materials (vinyl siding) and will feature architectural details similar to those in other nearby residential areas in order to ensure that the scale and appearance of this community will be compatible with the existing communities in this area; and

WHEREAS, setbacks, lot dimensions, and building heights will be consistent with the mobile home park nearby and that meet the Form District Guidelines; at the same time, the lot size will provide a diversity of densities since many of the nearby residential areas are comprised of larger lot sizes; and the site itself abuts a mobile home park, soccer fields and the I-265 expressway, utilizing an underused property for an economically needed use; and

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 9 of Goal 2 because the proposed development is an infill development providing new housing within the southcentral portion of Louisville Metro; and

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with 1, 2, 3, 6, 8, 10, 12 and 9 of Goal 3 because the proposed development has been designed to avoid wet soils and is located on a flat portion of land, avoiding steep slopes and unstable soils; there are no wet or highly permeable soils, severe,

steep or unstable slopes on the subject property that would create erosion problems; the development plan further incorporates open space into the subdivision and development that can be visually enjoyed by the community and ensures transitions between the various surrounding properties; and

MOBILITY

Goal 1 – implement an accessible system of alternative transportation modes.

WHEREAS, the proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1 because this proposed rezoning will cater to those potential apartment renters and owners who seek and enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit; sidewalks are being added to the property to provide pedestrian connections for easy walkability to the adjoining mobile home park; and this proposed higher density residential use is located in very close proximity to the marketplace corridors along Bardstown Road, as well as the employment centers in downtown Louisville through its proximity to the interstate road system; and

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with 4, 5, and 6, because the proposed development will avoid access to development through areas of significantly lower intensity as it will connect with Barn Rd. and have the mobile home park and soccer fields as its immediate neighbors; and the entrances will also be compliant with all requirements in the Land Development Code and Metro Works to ensure that all sight lines for entrances will be compatible with traffic, speed, terrain, etc. in street design; and

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, specifically 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14, because the proposed redevelopment of this underutilized property and undeveloped land into a new and vibrant residential community will provide new housing stock critically needed by Louisville Metro to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options; the subject properties close proximity to the Bardstown Road corridor will also help eliminate multiple automobile trips for services offered in that commercial area; due to this development's facilitation of pedestrian and bicycle travel, this proposal will significantly reduce the demand on the public transportation network that a new development in the outer portions of Louisville Metro would have on this network; and the additional residential lots this development would also help create a larger demand supporting the existing public transportation options in the Bardstown Rd. area; and

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, specifically with 1, 2, and 3 because the subject property is currently served by existing utilities and has adequate capacity for this proposed development as confirmed through all utility providers through this rezoning process; these confirmations specifically include the Louisville Water Company’s confirmation of sufficient water service capacity and the Metropolitan Sewer District’s confirmation of adequate sanitary sewer capacity; and

ECONOMIC DEVELOPMENT

Goal 1 & 2 – Provide economic climate that improves growth innovation, investment and opportunity for all, and Cultivates a vibrant city that attracts, retains and develops a highly skilled work-force.

WHEREAS, the proposed zone change complies with the Goals, Objectives and Policies of Goals 1 & 2 to the extent that it provides affordable housing options, diversifying the current type of housing available, and thus supporting a diverse and highly skilled work-force in the Louisville Metro community; and

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

WHEREAS, the proposed development complies with all of the applicable Objectives and Policies of Goal 1, specifically with 5, 10, 17, 21, 31, 32, and 35, because there are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition through the detention and water quality unit as shown on the DDDP; and the added detention and water quality unit will not only help mitigate the impacts of this development but likely help with the existing floodplains in the area to the extent same exist; and

HOUSING

Goal 1 – Expand and ensure a diverse range of housing choices.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, specifically with Policy 1 and 3, because as stated previously, the proposal is for a new and different housing option for the area, being affordable new manufactured construction residences that are lacking in Louisville Metro which have the qualities of much higher priced residences, providing a quiet, family-oriented, safe, and clean environment; and

Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, specifically with 1, 2 and 7 because this affordable form of residential development provides a housing option for a mixture of residents, including the new family, single persons, and older homeowners who want to live in close proximity to services along

Bardstown Road and the Interstate highway system, and those persons of all ages and incomes who want to live in a high-quality, but affordable living environment; and

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including 1, 2, 3, 4, 6, 8, 12, because the proposed development will be provide varied housing options with the ability to rent a lot and a manufactured home, or bring their own manufactured home, as compared with more traditional single-family residential subdivisions that predominate throughout the surrounding area, and thus will have a different and more affordable price point; the proposed development will also have a mixture of housing options, which includes the small and most affordable small manufactured home, to the larger, manufactured home with more amenities; and this type of housing option will also help by providing multiple opportunities for the area residents who want to raise families as well as age in place within their community in an affordable, safe, quiet, and clean environment; and

* * *

WHEREAS, for all the testimony 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 Plan 2040;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to PRD and approves the Subdivision Development Plan.

WAIVER FINDINGS OF FACT

Waiver of Section 7.3.30.E to allow more than 15% of a required rear yard of a buildable lot to be encompassed by a drainage easement.

WHEREAS, the waiver will not adversely affect adjacent property owners because it is a common occurrence for sewer and drainage easements to be located in the rear yard, since this does not reduce the depth of the yard and since the easement will continue to provide a ditch within it that will keep any increased runoff from this development from causing negative impacts on the adjacent properties; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application and since adequate drainage facilities will be provided to serve the development, which will not affect the applicant's ability to preserve existing vegetation nor affect any other aspect of this development's compliance with either the Plan 2040 or the requirements of the Land Development Code; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in order to allow for the best design of the individual lots, it has been generally accepted that drainage easements be located in the rear yard either along the rear property line or offset from the preserved existing vegetation; without the waiver the applicant would be required to locate the drainage way a minimum of 25' from the rear property line and therefore in close proximity to the home; which would reduce the usable area close to the home that would otherwise be used by the homeowner as their private yard, and area typically reserved for outdoor dining, entertainment, relaxation and/or recreation; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because locating the drainage easement in the rear yard has been the preferred and accepted practice and requiring it to be a minimum of 25 feet off the rear property line would create an unnecessary hardship for the homeowner in reducing the usable area of the private yard with a ditch separating the area adjacent to the home from the rear yard; and

NOW, THEREFORE, based upon the testimony and evidence presented at LD&T and the Planning Commission hearing, the Louisville Metro Planning Commission hereby approves this Waiver.