

LDC WAIVER JUSTIFICATION STATEMENT

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CEDAR RIDGE – 20-ZONE-0092

LIMESTONE BUILDERS, INC

8203 & 8211 Cedar Creek Road, Parcel 065700830000

LDC SECTION 7.3.30.E

WAIVER TO ALLOW MORE THAN 15% OF THE REAR YARDS OF LOTS WITHIN CEDAR RIDGE TO BE OCCUPIED BY DRAINAGE EASEMENT

Limestone Builders, Inc. (the "applicant") has filed development review applications with Louisville Metro Planning and Design Services wherein it requests a change in zoning district designation from R-4, Single-Family Residential District to PRD, Planned Residential Development District for properties located at 8203 & 8211 Cedar Creek Road & Parcel 065700830000 (the "Property") to expand the existing Cedar Ridge subdivision. Cedar Ridge is a smaller single-family residential community currently consisting of forty-five (45) buildable lots for detached houses on 9.92 acres of PRD-zoned property. Due to popular demand for the type of housing in Cedar Ridge, the applicant wishes to provide an additional forty-five (45) single-family lots, as well as additional open space, on the 8.51 acres adjacent to the south of Cedar Ridge, thereby creating Cedar Ridge Section II. Alongside its associated zoning and subdivision applications, the applicant is requesting a waiver from Chapter 7 of the Land Development Code to allow more than 15% of the rear yards of certain proposed lots proposed in Section II of Cedar Ridge to be occupied by a drainage easement.

For the reasons stated herein as well as within the justification the applicant filed in conjunction with its zoning application, the requested waiver complies with Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and the criteria for granting waivers and, therefore, should be approved.

A. The waiver will not adversely affect adjacent property owners.

The requested waiver relief from Chapter 7 of the LDC is to allow design of Cedar Creek Section II to mimic the existing design of Cedar Creek Section I, which allows for smaller sized single-family lots, as supported by the PRD zoning designation the applicant currently seeks. As part of the overall Cedar Ridge site design, the proposed waiver relief will allow for the applicant to properly handle drainage throughout the development, which will benefit adjacent property owners. The relief to allow a certain amount of rear yards to be occupied by drainage easements is primarily internal to the development, for all required building setbacks within the proposed Section II of Cedar

Ridge will comply with LDC requirements. Accordingly, the waiver will not adversely affect adjacent property owners.

B. The waiver will not violate the Comprehensive Plan.

Cedar Ridge is within the Neighborhood Form District. Plan 2040's Community Form Plan Element Goal 1, Policy 3.1.3 advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas. Further, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities. New neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses. Consistent with the goals and policies of Plan 2040's Neighborhood Form are the Goals set forth in Plan 2040's Housing Plan Element, which aim to: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. The PRD zoning district being sought for the Property is an LDC zoning regulation consistent with these aforementioned Plan 2040 Goals and, what's more, is a method by which applicants can implement these very Plan 2040 Goals because it provides for flexibility in design of residential developments, allowing zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative site designs.

Provided the support for differentiation of site design of residential developments set forth within the Comprehensive Plan and encouragement for residential developments to provide a variety in housing styles and types, and with the PRD regulations being an implementation tool of these Comprehensive Plan policies, the requested waiver is not incongruent nor violative with Plan 2040. Rather the opposite is the case, for when sites are designed to create those residential subdivisions that are more compact in nature, land area is more constricted and limited, thereby leaving less area for accommodating utility and drainage systems throughout the subject site. Here, the rear yard areas where the drainage easements will overlap will remain usable by the resident and will not appear as anything other than a rear yard. As it applies to Cedar Ridge Section II, this waiver will allow the applicant to properly mitigate excess runoff onsite and will have no effect on the requirements of the Comprehensive Plan. Accordingly, the granting of the requested waiver will not violate the Comprehensive Plan.

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C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

The Applicant has designed the site so that the extent of the waiver is the minimum necessary to afford relief to the applicant within the confines of the property and so that no building setback requirements will be affected by encroachment or negatively minimized. And, as mentioned, the rear yards of the proposed lots will allow for use of said backyards, just no location therein of structures. Therefore, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

D2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular Chapter 7 regulation, the applicant would need to reduce the size of the building footprints of the majority of the houses proposed for Cedar Ridge Section II, thereby creating an unbalanced development between Cedar Ridge Sections I and II. Moreover, the applicant might be required to drop a number of building lots, which seems to run counter to the intent of the PRD regulation, which promotes flexibility in site design of residential developments such as the proposed Cedar Ridge, which the applicant specifically designed with reduced lot sizes because there is high demand for this very housing product, as evidenced by the popularity of the houses in Cedar Ridge Section I. Strict adherence to LDC 7.3.30.E would deprive the applicant of the ability to build out Section II of Cedar Ridge to match the look and feel of existing Cedar Ridge Section I, potentially damaging the ability to sell residential lots in Section II as well as creating an unbalanced looking residential development in general. Avoiding this unnecessary hardship warrants relief from LDC 7.3.30.E.

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