


Docket No. 14ZONE1045

Zone change from R-5A to PRD to allow 32 single family attached homes (in place of 32 attached condominium homes) on property located at 4806 Manslick Road

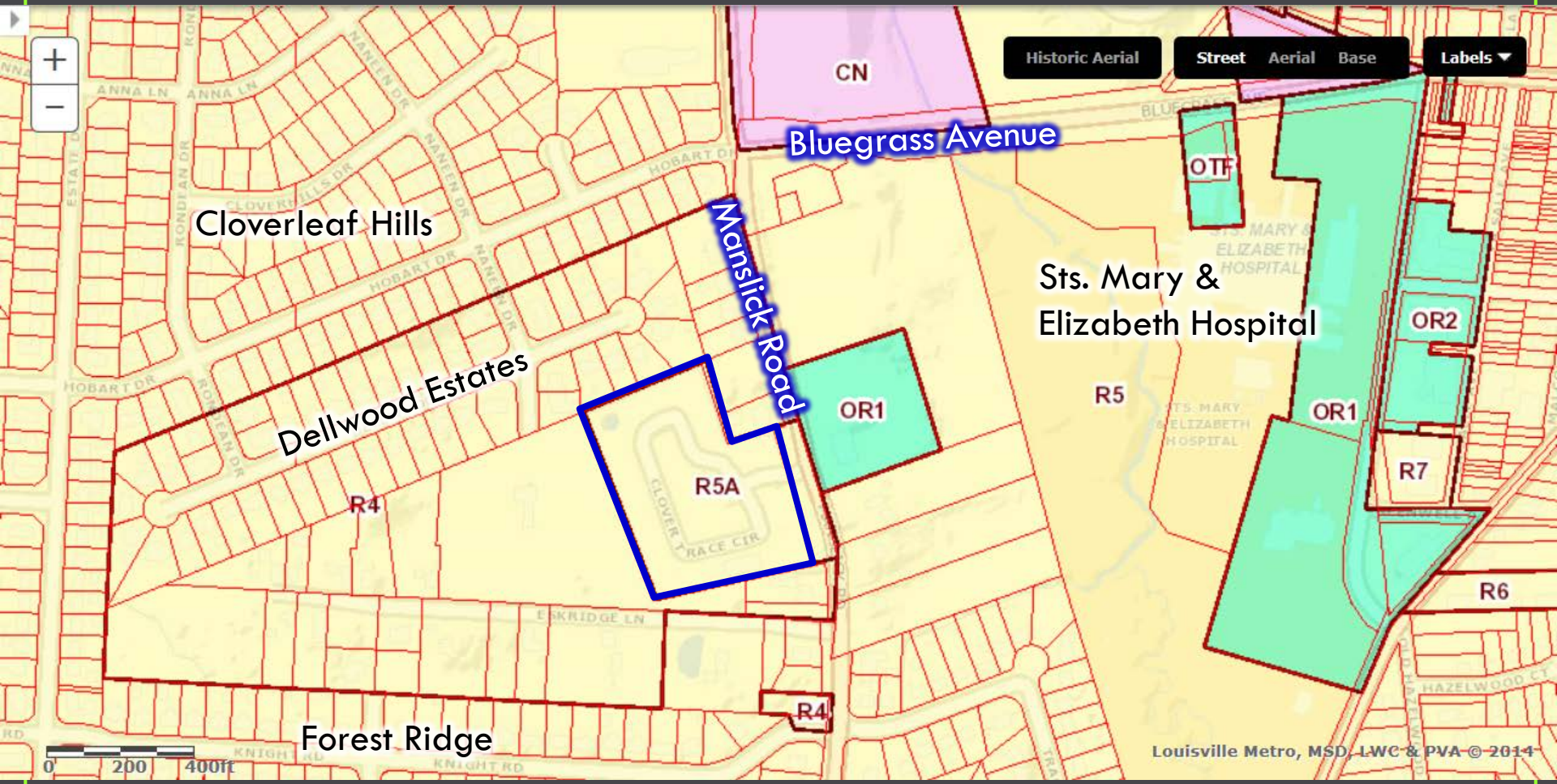
Clover Trace 

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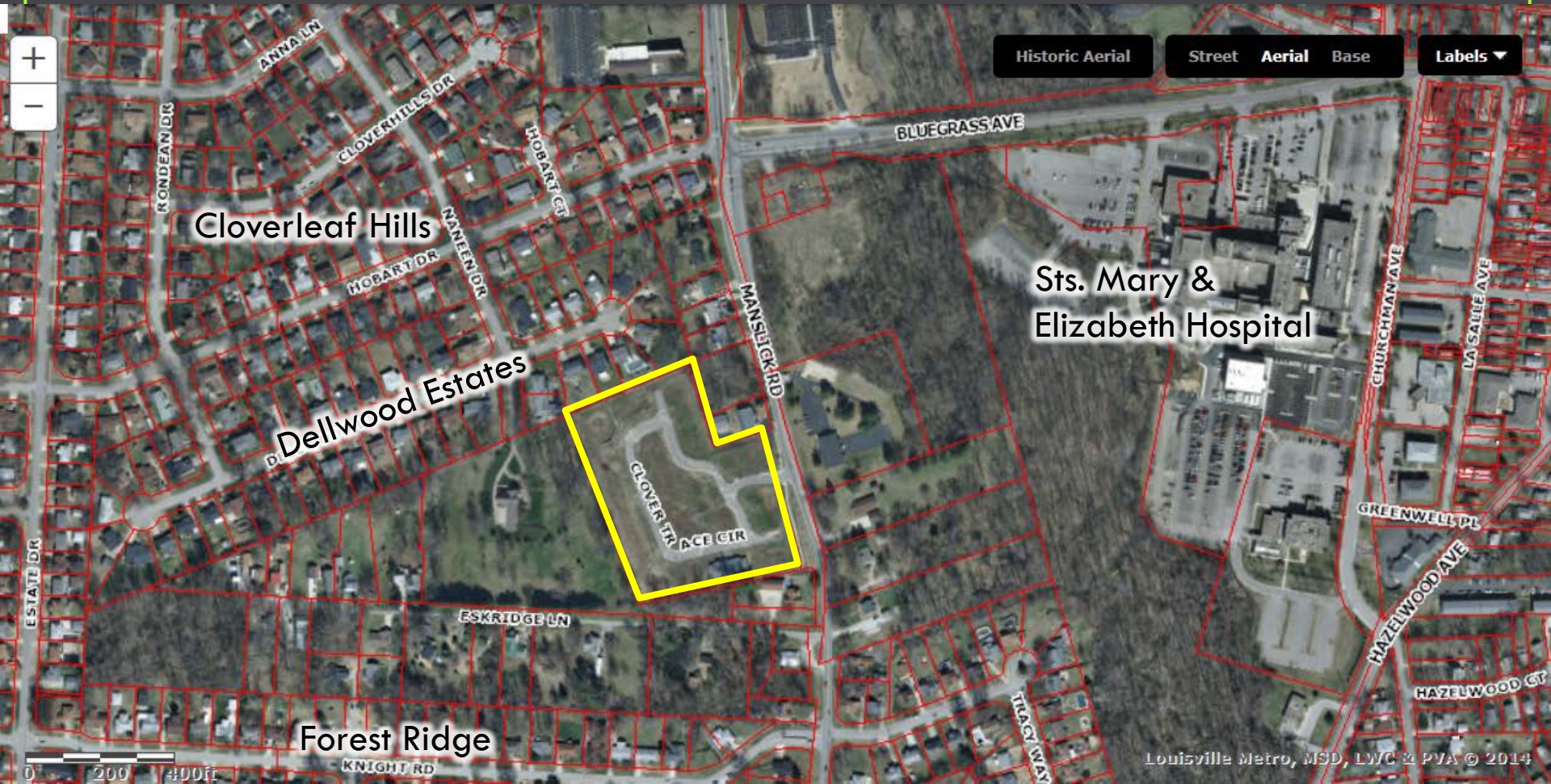
Tab 1 LOJIC Zoning Map





Tab 2

**Aerial photograph of the site and
surrounding area**



Tab 3

**Previously approved development
plan**

Tab 4

Proposed development plan

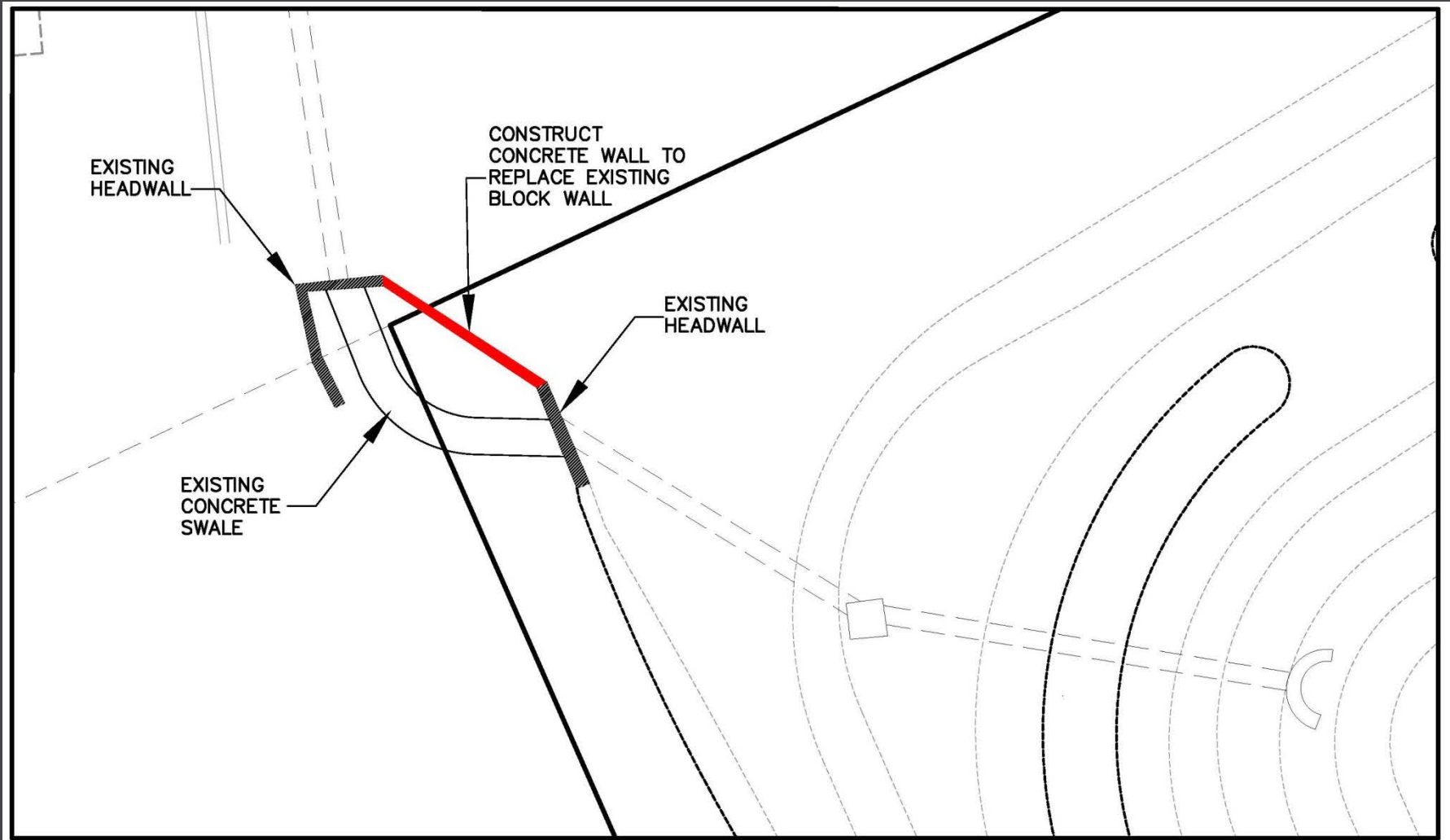




Tab 5

Drainage exhibits





Tab 6

**Exterior and interior photos of existing
home for sale within Clover Trace**



HOME
CALLER
302
er
ATORS
333
altors.com



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Tab 7

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan, Variance and Waiver Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: CDJ Development, LLC

Location: 4806 Manslick Road

Proposed Rezoning/Use: R-5A to PRD for 32 patio home style single family homes

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates

BACKGROUND

The subject property has a long history, having first been proposed for patio home-style condominium homes back in 2002, after which it underwent extensive review over a two-year period, leading in 2004 to 46 units in a townhome style. Residents opposed that development for more units than were eventually approved and as still proposed today. Eventually, the then developer settled on 32 patio home-style condominium homes. A new developer having purchased the subject property from a bank which obtained the property from a previous developer today still proposes 32 units on the same acreage, although no longer in the R-5A multifamily zoning district, but rather in the PRD zoning district today.

After the housing crash occurred and condominiums became nearly impossible to finance either from development or from purchase mortgage perspectives, the PRD separate home lot, instead of R-5A single condominium lot, approach became the standard way to address the plan design, construction and sale of patio and town house style (formerly condominium) home communities.

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 Cornerstone 2020 Comprehensive Plan. The PRD district allows for zero lot lines, townhomes, 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 patio home style development meets at least two of the above criteria, notably numbers 3 and 4, because this is a community which empty-nesters are the most likely market segment to be interested in the type of maintenance free living proposed here, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves. This particular area of Metro Louisville is little different than almost all others where traditional style, detached single family homes are the norm, except that this form of patio home style development is not as available in this area as elsewhere in Metro Louisville. Thus, this proposed development should prove popular, as it adds to the diversity of housing types in this area.

The Cornerstone 2020 Comprehensive Plan also strongly supports the provision of affordable and appropriate housing. The PRD regulation requires that developments creating 50 or more dwelling units, that do not reserve ten percent of their proposed dwellings for this purpose, must address how the proposal complies with the housing elements of the Comprehensive Plan in relationship to other Guidelines and Policies of the Comprehensive Plan. This development does not provide 50 units but only 32.

GUIDELINE 1 – COMMUNITY FORM

The Suburban Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas. This proposed patio home community is not very much different than the standard single-family residential communities that exist near and around it. The residential patio homes are one-story with some fall-away lots, giving a rear side, two-story look to those units. Some homes may also have basements that are not fall-aways. Because most patio homes are mostly attractive to a demographic group termed “empty nesters”, the impacts of this community on the adjoining standard single-family residential neighborhoods will be minimal. Traffic will be less than that from a standard single-family subdivision developed on this property, and none of the negative impacts that result from standard single-family subdivisions (such as structures within five feet of rear yards, large play equipment, vehicles parked outside of garages and so forth) can be expected at this condominium community. This community will have a set of Covenants, Conditions and Restrictions (CCRs) with severe restrictions on what can and cannot occur on individual lots, on all commonly held open property, and in terms of exterior building and property maintenance.

GUIDELINE 3: COMPATIBILITY

Guideline 3 seeks to insure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize negative impacts to residential areas. Policies 1, 2 and 3 of this Guideline pertain to scale and site design, building materials and transitions, such as landscaping, screening and buffering. This application and the proposed residential community under it will comply with these Policies of this Guideline because, as noted above, the building scales will be similar to those of the adjoining and nearby single-family subdivisions. Buildings will be mostly one

story, except for those on fall away lots. The developer has decided all brick exterior materials with other maintenance free accents. Also, the development plan accompanying this application shows where green space will occur on the inside as well as along perimeters. Where existing tree masses do not exist and/or cannot be retained along perimeters, new landscaping will be added to satisfy adjoining residential property owners. Some specific arrangements were previously made with certain adjoining property owners to try to accommodate their specific interests in landscaping, as landscape treatments are preferred to perimeter stockade fencing.

Policies 5, 6, 7, 8 and 9 of this Guideline pertain to odors, traffic, noise, lighting and other visual impacts. This community will comply with these Policies of this Guideline because all exterior activities are controlled in manners that are not necessarily possible within standard single-family residential communities. There will be a detailed set of very restrictive CCRs which will limit what can be built on individual lots and occur in common areas. Lighting will be residential style in design, probably utilizing standard LG&E acorn or coach lamp fixtures. Wattage and fixture types and locations will be very similar to those already existing in adjoining and nearby residential neighborhoods. Traffic, of course, will be less than what it would be if this were a standard single-family residential community, because empty nesters, the predominant demographic group in every patio home (even PRD zoned) community do not travel at peak hours with the same regularity as do residents of standard single-family communities, where more families with children reside. It is known that peak-hour traffic generation from a residential community of this kind equals about 50 percent of that by a standard single-family subdivision.

Other Policies of this Guideline, notably Policies 10-16 advocate a variety of housing with higher or more intense densities on transit routes in or near activity centers, with housing advocated for the elderly people with disabilities and geared toward demographic groups not otherwise fully accommodated in most standard single-family residential communities. Accordingly, what is anticipated, as here, to be an empty-nester community complies with these Policies of this Guideline because it anticipates many seniors, which comprise most of the demographic group known as empty-nesters. Such housing will need to be accessible by people with disabilities, which many seniors are. As a maintenance-free form of living, many people who are unable to care for their larger homes on their own lots will also find this an attractive community to live in. Activity center health care and shopping is located close by.

GUIDELINE 4 – OPEN SPACE

GUIDELINE 5 – NATURAL AREAS AND SCENIC AND HISTORY RESOURCES

These Guidelines seek to insure well-designed, permanently protected open spaces and to protect natural areas, natural features and important scenic and historic resources, if and when they exist.

This proposed individual lot patio home-style community complies with these Guidelines and the Policies thereunder, because there will be open spaces and good perimeter buffers. Sidewalks are included throughout the development for walking pleasure. Landscaping along property lines will seek to provide for privacy without the need for stockade privacy fences. Further, the applicant is not aware of any particular natural areas or scenic or historic resources on site that deserve protection. If they do exist, accommodations will attempt to be made.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The Guideline seeks to provide a positive culture for attracting and sustaining business within Metro Louisville. This application for a PRD zoned patio home-style community complies with this Guideline for this reason: as businesses seek to locate in Louisville, and as Louisville seeks to attract and retain new residents, it has come to the attention of everyone that one of Louisville's greatest strengths is the diversity and overall relative affordability of its housing. Having this form of housing development available, not just in the East End of the community where residential condominiums and patio home forms of development predominate, is every important. This is an area of Metro Louisville where many

people own their homes, certainly including many seniors, who are probably looking to relocate to a maintenance-free form of living environment, if they exist. There are not as many patio home-style communities in this south end of Metro Louisville as in the East End. Locating homes of this type in this area is good not only for people who are looking for these kinds of homes to remain in neighborhoods where they presently live, but it also provides for an opportunity for people moving to this community to have the same opportunities to select the south end of Louisville, as the East End, as a place to live.

GUIDELINE 7 – CIRCULATION
GUIDELINE 8 – TRANSPORTATION FACILITY DESIGN
GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

These Guidelines seek to insure a balanced and comprehensive multi-model transportation network that is coordinated with desired growth and development patterns, plus transportation facilities that are safe and efficient and minimize adverse impacts upon the community, and that support bicycle, pedestrian and transit means of travel.

This proposed PRD zoned, patio home-style community complies with these Guidelines and related Policies therein for these reasons. The development plan accompanying this application has been designed in accordance with standards provided by Louisville Metro Works. Driveways are a minimum of 25 feet deep, so as to insure that vehicles parking in them do not overhang sidewalks. Circulation, internal road widths, turning radiuses and so forth all meet minimum standards of Metro Transportation Planning and Public Works. The location of the point of access on Manslick Road has been selected by KTC and Metro Transportation Planning and Public Works. A center turn lane has already been constructed to assure safer access in to and out of this community. Although Manslick Road is not designed to presently accommodate pedestrian or bicycles in any meaningful manner, this development will assure sidewalks along its frontage, as well as within. Inside this development, roadways will be wide enough to accommodate bicycle traffic.

GUIDELINE 10 – FLOODING AND STORMWATER
GUIDELINE 11 – WATER QUALITY
GUIDELINE 12 – AIR QUALITY

These Guidelines seek to minimize the potential for impacts of flooding and stormwater, protect water quality and assure no negative impacts on air quality.

The proposed patio home community already includes a detention basin that was constructed as part of the prior developer's initiated, but never completed, development efforts. That basin will be expanded to assure that post-development rates of runoff will not exceed pre-development conditions and to assure that surface water drainage will not continue to cause problems for certain adjoining properties. Storm water will be captured in internal catch basins and directed to the detention basin. This is not an area where true flooding occurs, although nearby properties do have some adverse storm water impacts. This developer will work with MSD and those properties to try through this development and this expanded basin to correct those adverse storm water conditions. As to water quality, MSD water quality and soil erosion and sedimentation protection standards of its ordinances apply and will be complied with during the construction phase of development. As to air quality, this very low impact development will not contribute to the degradation of air quality, especially as its traffic impacts are less than a standard single-family development at this site.

GUIDELINE 13 – LANDSCAPE CHARACTER

The intent of this Guideline is to assure that new communities, like this, include internal landscaping and provide perimeter screening and buffering to provide good transitions, as well as privacy, for existing nearby residents, plus those who choose to live within this community. As noted above, and as explained

to neighbors at the recent neighborhood meeting, a landscape plan was previously approved and will be revised as part of this new PRD zoned development taking into account adjoining property owners' specific screening and buffering interests.

GUIDELINE 14 – INFRASTRUCTURE

This Guideline is intended to assure that necessary infrastructure exists or is added to address the carrying capacity of this land. Utilities are available and can be brought to this site at affordable costs. As mentioned, certain road improvements along Manslick Road have already been made to assure ease of ingress or egress.

For these reasons and those to be explained at LD&T and the public hearing, this application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
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1000 N. Hurstbourne Parkway, Second Floor
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Variance Justification:

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

Variance of: Section 5.3.1.D.1.b to reduce the rear yards for the building and patios/decks to be located as shown on the development plan.

1. The variance will not adversely affect the public health, safety or welfare because this is a patio home community that was previously approved under the multi-family zoning district as condominiums. The only change now is to allow the same development to occur on individual lots utilizing a different zoning regulation.
2. The variance will not alter the essential character of the general vicinity because, as stated above, the development will remain the same, utilizing the infrastructure already in place with the building pads located in the same places for basically the same designed buildings.
3. The variance will not cause a hazard or a nuisance to the public because this variance does not involve a hazard or nuisance issue, but rather involves the issue of building location as a consequence of existing built conditions.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as stated, this application pertains to use of a different regulation to accomplish the same basic design as previously approved.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated, this project involves taking a multi-family zoned condominium project and, for market reasons, converting it to a single-family subdivision layout.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would otherwise be unable to utilize the existing infrastructure building pads and design, but would rather have to change all that, which could lead to neighborhood controversies that can otherwise be avoided by sticking with the plan previously approved.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather is the result of this being a failed development that the prior developer lost to the bank and that this new developer has purchased in an effort to finish a residential community that has stalled and thus remains incomplete and not serving any larger community purpose.

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 5.4.2.B.1.b not to provide the 20 ft LBA along Manslick Road.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is a built condition, given that the previously approved patio home development went under, and this rezoning effort is intended to allow it to be completed as planned but under a different, now viable, zoning district designation.
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 Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is the only area where this waiver is requested, all other parts of the development essentially being completed as initially planned.
4. 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 because it would have to otherwise remove or reconstruct part of an already built infrastructure.

Tab 8

Proposed findings of fact pertaining to compliance with the Comprehensive Plan, Variance and Waiver criteria

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ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: CDJ Development, LLC

Location: 4806 Manslick Road

Proposed Rezoning/Use: R-5A to PRD for 32 patio home style single family homes

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on January 29, 2015 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, the subject property has a long history, having first been proposed for patio home-style condominium homes back in 2002, after which it underwent extensive review over a two-year period, leading in 2004 to 46 units in a townhome style; residents opposed that development for more units than were eventually approved and as still proposed today; eventually, the then developer settled on 32 patio home-style condominium homes; a new developer having purchased the subject property from a bank which obtained the property from a previous developer today still proposes 32 units on the same acreage, although no longer in the R-5A multifamily zoning district, but rather in the PRD zoning district today; and

WHEREAS, after the housing crash occurred and condominiums became nearly impossible to finance either from development or from purchase mortgage perspectives, the PRD separate home lot, instead of R-5A single condominium lot, approach became the standard way to address the plan design, construction and sale of patio and town house style (formerly condominium) home communities; and

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 Cornerstone 2020 Comprehensive Plan; the PRD district allows for zero lot lines, townhomes, 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; and

WHEREAS, this proposed PRD patio home style development meets at least two of the above criteria, notably numbers 3 and 4, because this is a community which empty-nesters are the most likely market segment to be interested in the type of maintenance free living proposed here, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves; this particular area of Metro Louisville is little different than almost all others where traditional style, detached single family homes are the norm, except that this form of patio home style development is not as available in this area as elsewhere in Metro Louisville; and thus, this proposed development should prove popular, as it adds to the diversity of housing types in this area; and

WHEREAS, the Cornerstone 2020 Comprehensive Plan also strongly supports the provision of affordable and appropriate housing; the PRD regulation requires that developments creating 50 or more dwelling units, that do not reserve ten percent of their proposed dwellings for this purpose, must address how the proposal complies with the housing elements of the Comprehensive Plan in relationship to other Guidelines and Policies of the Comprehensive Plan and this development does not provide 50 units but only 32; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the Suburban Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas; this proposed patio home community is not very much different than the standard single-family residential communities that exist near and around it; the residential patio homes are one-story with some fall-away lots, giving a rear side, two-story look to those units; some homes may also have basements that are not fall-aways; because most patio homes are mostly attractive to a demographic group termed “empty nesters”, the impacts of this community on the adjoining standard single-family residential neighborhoods will be minimal; traffic will be less than that from a standard single-family subdivision developed on this property, and none of the negative impacts that result from standard single-family subdivisions (such as structures within five feet of rear yards, large play equipment, vehicles parked outside of garages and so forth) can be expected at this PRD community and this community will have a set of Covenants, Conditions and Restrictions (CCRs) with severe restrictions on what can and

cannot occur on individual lots, on all commonly held open property, and in terms of exterior building and property maintenance; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, Guideline 3 seeks to insure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize negative impacts to residential areas; policies 1, 2 and 3 of this Guideline pertain to scale and site design, building materials and transitions, such as landscaping, screening and buffering; this application and the proposed residential community under it will comply with these Policies of this Guideline because, as noted above, the building scales will be similar to those of the adjoining and nearby single-family subdivisions; buildings will be mostly one story, except for those on fall away lots; the developer has decided on all brick exterior materials with other maintenance free accents; also, the development plan accompanying this application shows where green space will occur on the inside as well as along perimeters; where existing tree masses do not exist and/or cannot be retained along perimeters, new landscaping will be added to satisfy adjoining residential property owners; and some specific arrangements were previously made with certain adjoining property owners to try to accommodate their specific interests in landscaping, as landscape treatments are preferred to perimeter stockade fencing; and

WHEREAS, Policies 5, 6, 7, 8 and 9 of this Guideline pertain to odors, traffic, noise, lighting and other visual impacts; this community will comply with these Policies of this Guideline because all exterior activities are controlled in manners that are not necessarily possible within standard single-family residential communities; there will be a detailed set of very restrictive CCRs which will limit what can be built on individual lots and occur in common areas; lighting will be residential style in design, probably utilizing standard LG&E fixtures; wattage and fixture types and locations will be very similar to those already existing in adjoining and nearby residential neighborhoods; traffic, of course, will be less than what it would be if this were a standard single-family residential community, because empty nesters, the predominant demographic group in every patio home (even PRD zoned) community do not travel at peak hours with the same regularity as do residents of standard single-family communities, where more families with children reside and it is known that peak-hour traffic generation from a residential community of this kind equals significantly less than that of a standard single-family subdivision; and

WHEREAS, other Policies of this Guideline, notably Policies 10-16 advocate a variety of housing with higher or more intense densities on transit routes in or near activity centers, with housing advocated for the elderly and people with disabilities and geared toward demographic groups not otherwise fully accommodated in most standard single-family residential communities; accordingly, what is anticipated, as here, to be a empty-nester community complies with these Policies of this Guideline because it anticipates many seniors, which comprise most of the demographic group known as empty-nesters; such housing will need to be accessible by people with disabilities, which many seniors are; as a maintenance-free form of living, many people who are unable to care for their larger homes on their own lots will also find this an attractive community to live in and activity center health care and shopping is locate close by; and

**GUIDELINE 4 – OPEN SPACE, GUIDELINE 5 – NATURAL AREAS AND SCENIC
AND HISTORY RESOURCES**

WHEREAS, these Guidelines seek to insure well-designed, permanently protected open spaces and to protect natural areas, natural features and important scenic and historic resources, if and when they exist; and

WHEREAS, this proposed individual lot patio home-style community complies with these Guidelines and the Policies thereunder, because there will be open spaces and good perimeter buffers; sidewalks are included throughout the development for walking pleasure; landscaping along property lines will seek to provide for privacy without the need for stockade privacy fences; further, the applicant is not aware of any particular natural areas or scenic or historic resources on site that deserve protection and if they do exist, accommodations will attempt to be made; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Guideline seeks to provide a positive culture for attracting and sustaining business within Metro Louisville; this application for a PRD zoned patio home-style community complies with this Guideline for this reason: as businesses seek to locate in Louisville, and as Louisville seeks to attract and retain new residents, it has come to the attention of everyone that one of Louisville's greatest strengths is the diversity and overall relative affordability of its housing; having this form of housing development available, not just in the East End of the community where residential condominiums and patio home forms of development predominate, is every important; this is an area of Metro Louisville where many people own their homes, certainly including many seniors, who are probably looking to relocate to a maintenance-free form of living environment, if they exist; there are not as many patio home-style communities in this south end of Metro Louisville as in the East End; locating homes of this type in this area is good not only for people who are looking for these kinds of homes to remain in neighborhoods where they presently live, but it also provides for an opportunity for people moving to this community to have the same opportunities to select the south end of Louisville, as the East End, as a place to live; and

**GUIDELINE 7 – CIRCULATION, GUIDELINE 8 – TRANSPORTATION FACILITY
DESIGN, GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT**

WHEREAS, these Guidelines seek to insure a balanced and comprehensive multi-model transportation network that is coordinated with desired growth and development patterns, plus transportation facilities that are safe and efficient and minimize adverse impacts upon the community, and that support bicycle, pedestrian and transit means of travel; and

WHEREAS, this proposed PRD zoned, patio home-style community complies with these Guidelines and related Policies therein for these reasons; the development plan accompanying this application has been designed in accordance with standards provided by Louisville Metro Works; driveways are a minimum of 25 feet deep, so as to insure that vehicles parking in them do not overhang sidewalks; circulation, internal road widths, turning radiuses and so forth all meet minimum standards of Metro Transportation Planning and Public Works; the location of the point of access on Manslick Road has been selected by KTC and Metro Transportation Planning and Public Works; a center turn lane has already been constructed to assure safer access

in to and out of this community; although Manslick Road is not designed to presently accommodate pedestrian or bicycles in any meaningful manner, this development will assure sidewalks along its frontage, as well as within and inside this development, roadways will be wide enough to accommodate bicycle traffic; and

GUIDELINE 10 – FLOODING AND STORMWATER, GUIDELINE 11 – WATER QUALITY, GUIDELINE 12 – AIR QUALITY

WHEREAS, these Guidelines seek to minimize the potential for impacts of flooding and stormwater, protect water quality and assure no negative impacts on air quality; and

WHEREAS, the proposed patio home community already includes a detention basin that was constructed as part of the prior developer's initiated, but never completed, development efforts; that basin will be expanded to assure that post-development rates of runoff will not exceed pre-development conditions and to assure that surface water drainage will not continue to cause problems for certain adjoining properties; storm water will be captured in internal catch basins and directed to the detention basin; this is not an area where true flooding occurs, although nearby properties do have some adverse storm water impacts; this developer has worked with MSD and those properties to try through this development and this expanded basin to correct those adverse storm water conditions as to water quality, MSD water quality and soil erosion and sedimentation protection standards of its ordinances apply and will be complied with during the construction phase of development; and as to air quality, this very low impact development will not contribute to the degradation of air quality, especially as its traffic impacts are less than a standard single-family development at this site; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the intent of this Guideline is to assure that new communities, like this, include internal landscaping and provide perimeter screening and buffering to provide good transitions, as well as privacy, for existing nearby residents, plus those who choose to live within this community; as noted above, and as explained to neighbors at the neighborhood meeting, a landscape plan was previously approved and will be revised as part of this new PRD zoned development taking into account adjoining property owners' specific screening and buffering interests; and

GUIDELINE 14 – INFRASTRUCTURE

WHEREAS, this Guideline is intended to assure that necessary infrastructure exists or is added to address the carrying capacity of this land; utilities are available and can be brought to this site at affordable costs, and, as mentioned, certain road improvements along Manslick Road have already been made to assure ease of ingress or egress; 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 Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R5-A to PRD.

Variance Findings

Variance of Section 5.3.1.D.1.b to reduce the rear yards for the building and patios/decks to be located as shown on the development plan.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this is a patio home community that was previously approved under the multi-family zoning district as condominiums and the only change now is to allow the same development to occur on individual lots utilizing a different zoning regulation; and

WHEREAS, the variance will not alter the essential character of the general vicinity because, as stated above, the development will remain the same, utilizing the infrastructure already in place with the building pads located in the same places for basically the same designed buildings; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because this variance does not involve a hazard or nuisance issue, but rather involves the issue of building location as a consequence of existing built conditions; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as stated, this application pertains to use of a different regulation to accomplish the same basic design as previously approved; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated, this project involves taking a multi-family zoned condominium project and, for market reasons, converting it to a single-family subdivision layout; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would otherwise be unable to utilize the existing infrastructure, building pads and design, but would rather have to change some or all of that, which could lead to neighborhood controversies that can otherwise be avoided by sticking with the plan previously approved; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather is the result of this being a failed development that the prior developer lost to the bank and that this new developer has purchased in an effort to finish a residential community that has stalled and thus remains incomplete and not serving any larger community purpose;

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

Waiver Findings

Waiver of: Section 5.4.2.B.1.b not to provide the 20 ft LBA along Manslick Road.

WHEREAS, the waiver will not adversely affect adjacent property owners because this is a built condition, given that the previously approved patio home development went under, and this rezoning effort is intended to allow it to be completed as planned but under a different, now viable, zoning district designation; 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 Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is the only area where this waiver is requested, all other parts of the development essentially being completed as initially planned; and

WHEREAS, 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 because it would have to otherwise remove or reconstruct part of an already built infrastructure;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves the Waiver.