

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4634 SOUTHCREST DRIVE CONTAINING APPROXIMATELY 0.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0021). (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER NICOLE GEORGE

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. 21ZONE0021; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 21ZONE0021 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing R-5 Residential Single Family zoning designation; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 21ZONE0021 to overturn the recommendation of the Planning Commission and maintain the existing R-5 Residential Single Family zoning designation on the property located at 4634 Southcrest Drive and being in Louisville Metro; and

WHEREAS, the owner of the property sought a non-conforming rights determination from the Board of Zoning Adjustment in case 20-APPEAL-0006; and

WHEREAS, the Board of Zoning Adjustment held that the owner could not sufficiently demonstrate non-conforming rights and as such was denied; and

WHEREAS, subsequent to that decision, the owner applied for a rezoning to R5-B which would allow for the duplex being operated without either the proper zoning or nonconforming rights to remain; and

WHEREAS, the proposal does not comply with Land Use and Development Goal 1: Community Form subsection 7 because R5-B represents higher density development than the surrounding R5-A single-family residential properties and would be more appropriate on a corner lot and/or nearer major transportation facilities and transit corridors rather than mid-block; and

WHEREAS, the proposal does not comply with Land Use and Development Goal 1: Community Form subsection 9 because this mid-block rezoning would provide no transition between uses of different scales but rather represent a single lot of more-intense development despite its universally less-intense surroundings; and

WHEREAS, the proposal does not comply with Land Use and Development Goal 1: Mobility subsection 4 because it represents a higher intensity use which would be more appropriate on a corner lot and/or nearer major transportation facilities and transit corridors rather than mid-block; and

WHEREAS, the proposal does not comply with Land Use and Development Goal 3: Mobility subsection 2 because there are no sidewalks on the frontage road, meaning residents would need to walk either in the street or across the yards of lower-zoned property; and

WHEREAS, there are many locations in the area where R-5B Zoning may be appropriate and conform better with the Land Use and Development Goals which Council finds this property to fall short of, but this mid-block one-off rezoning may negatively

impact the development of the area by encouraging other such applications without the appropriate transition and infrastructure for such use.

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 property located at 4634 Southcrest Drive containing approximately 0.24 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0021, shall remain R-5 Single Family Residential and that the decision of the Planning Commission in that case is overridden.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____