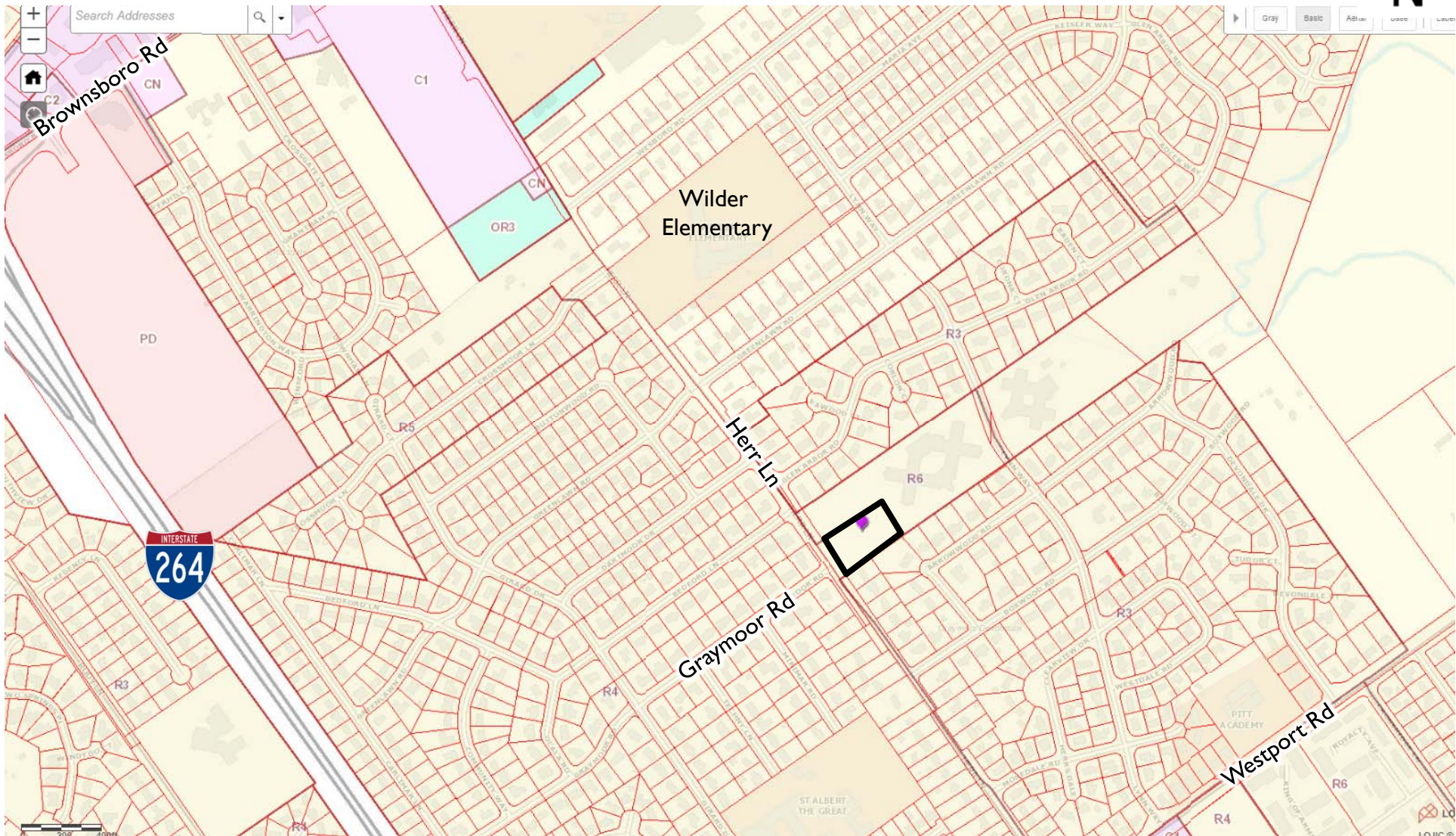


Docket No. 19-ZONE-0056
Zone change from R-4 to OR-1 to allow an office
building on property located at 1701 Herr Ln
c/o David Parks

INDEX:

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations and fence detail
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Variance Justification
8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Variance criteria

TAB I
LOJIC ZONING MAP



TAB 2
AERIAL PHOTOGRAPH OF THE
SITE AND SURROUNDING AREA





Jefferson Place

GLEN ARBOR RD

Herr Ln

Graymoor Rd

ARROWWOOD RD

BOXWOOD RD



Jefferson Place

GLEN ARBOR RD

Herr Ln

Graymoor Rd

ARROWWOOD RD

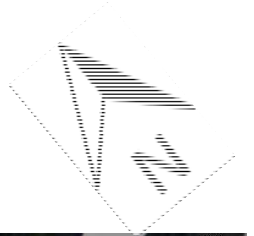
BOXWOOD RD



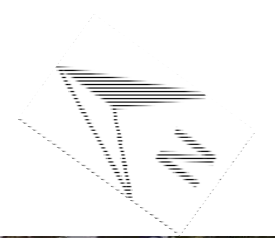


Adjacent neighbors Henderson and Stewart are both in favor of proposal.

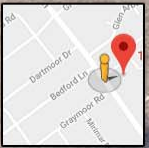
TAB 3
GROUND LEVEL PHOTOGRAPHS
OF THE SITE AND SURROUNDING
AREA



View of site from Herr Lane.



1703 Herr Ln
Graymoor-Devondale, Kentucky
Google
Street View - Oct 2018

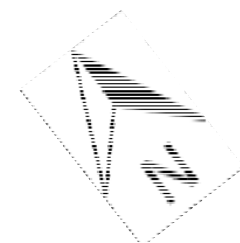


Google

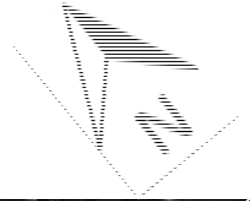




View of houses across Herr Lane from site.



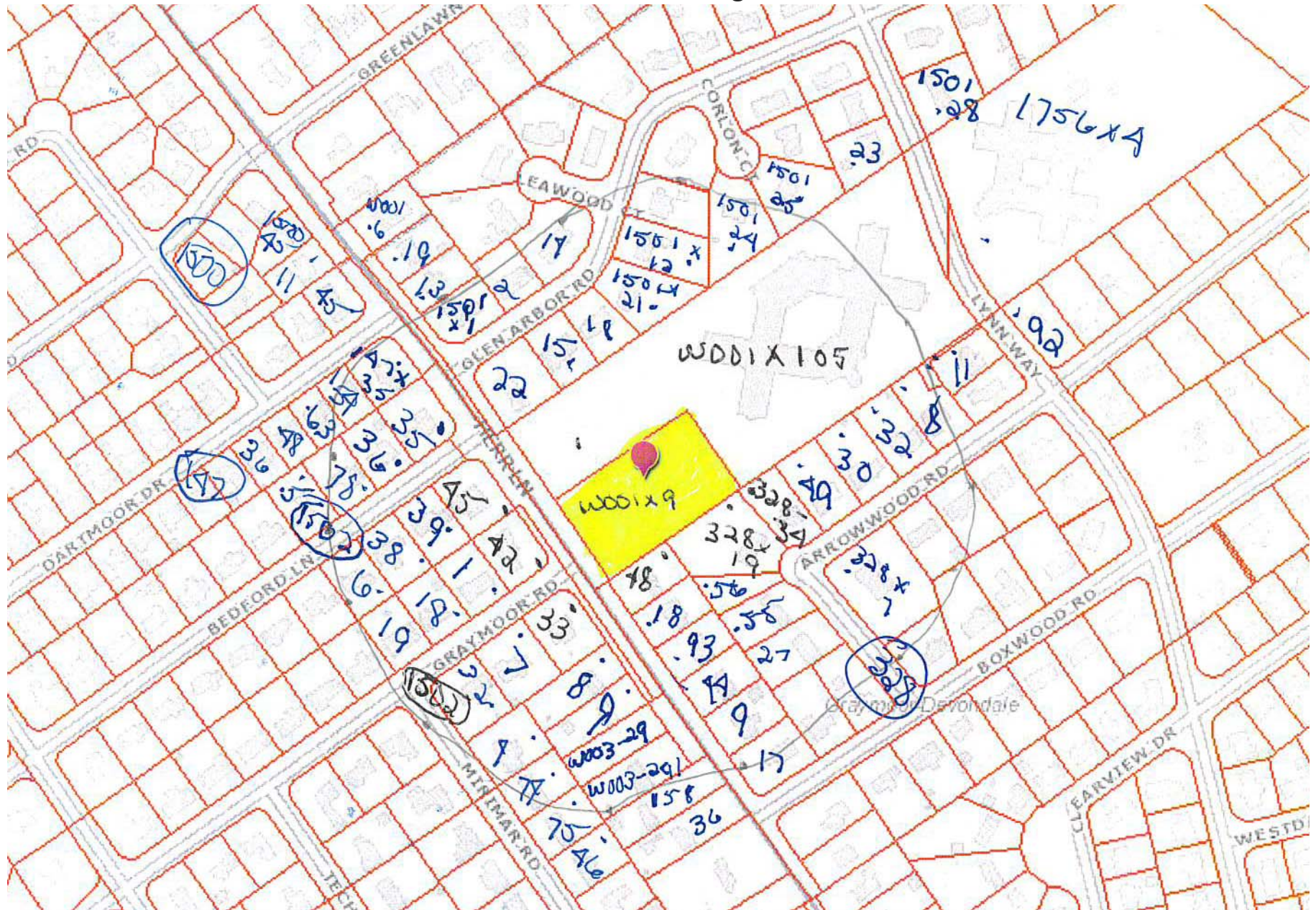
Looking northwest down Herr Lane. View of house adjacent to, and south of site.



View of site from Graymoor Road.

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 103 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting 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 24, 2019

Re: Zone Change from R-4 to OR-1 to allow offices on property located on approximately 1.66 acres located on the east side of Herr Lane, south of Jefferson Place at 1701 Herr Lane

Dear Neighbor:

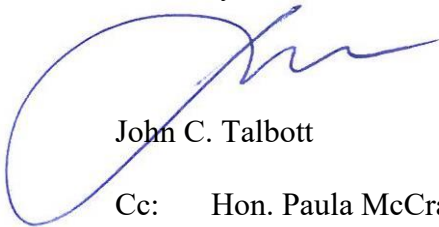
We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan as described above.

Accordingly, we will soon be filing a plan for pre-application review with the Division of Planning and Design Services (“DPDS”) that will be assigned a case number and case manager. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and concerns you may have.

In that regard, a meeting will be held on **Tuesday, July 9th at 7:00 p.m.** in the **Woodlawn Center** located at **295 N. Hubbards Lane in the lower level conference room.**

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 Mike Hill at 426-9374.

Sincerely,



John C. Talbott

Cc: Hon. Paula McCraney, Councilwoman District 7
Brian Davis, Planning Supervisor, Planning & Design Services
Mike Hill, engineer with Land Design & Development, Inc.
David Parks, applicant

Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, July 9th at 7:00 p.m. in the Woodlawn Center located at 295 N. Hubbards Lane. Those in attendance included the applicant's representatives, John C. Talbott, attorney with Bardenwerper, Talbott & Roberts, and Mike Hill, land planner and engineer with Land Design & Development, as well as the applicant, Dave Parks.

The meeting was very well attended and began with a powerpoint presentation showing an aerial of the area, which was then focused in closer to the property itself. The zoning in the area was also shown to demonstrate that the change in zoning from R-4 zoning to OR was appropriate to the area and would not create any significant impacts.

Mr. Talbott also showed the development plan which showed the lot and the development, with a detention basis near Herr Lane to control any impact of the impervious surface and also showed the parking in the rear, to create a development design consistent and compatible with the existing residential area. The applicant explained that the site would be used for his professional residential real estate brokerage office of Berkshire Hathaway. The plan also showed the current examples of building design, where it would not be two-stories, and it would use materials consistent with the residential area. It was also emphasized that the applicant met with the Mayor of Graymoor-Devondale to discuss the plans, particularly utilizing an attractive brick and wood fence placed inside the applicants property. This would create an attractive buffer from the immediately adjacent residents, while also allowing much of the currently existing tree line and natural buffers to remain.

Traffic was raised as an issue and the applicant explained that a real estate office is ideal because it will not bring traffic during peak traffic times since most real estate agents work in the field and visit clients, rather than their clients coming to the office. Additionally, it was explained that the only time the entire office would come to the office would be one day a month on a Saturday. It was also explained that the site would share the curb cut and entrance currently existing for the Signature Healthcare at Jefferson Place rehabilitation facility. Both uses are low traffic generators and both create little traffic during peak times, which is ideal for the area.

The neighbors had several additional questions about the project, concerning potential flooding and water issues. Mike Hill explained how a detention basis operates so that post development peak flow would not exceed pre-development peak flows as required. Councilwoman Paula McCraney attended the meeting and asked if the applicant would participate in an MSD meeting for the area, which we did. That meeting made it clear that the area, being built out in the 1950's, has some issues which MSD needs to work on, but MSD confirmed that this project would not negatively contribute to any drainage issues. Some members expressed concern that the detention basis could be a danger to children. It was explained that the detention basin would not hold water very long, but that the applicant would consider putting a fence around it if deemed necessary by the majority of neighbors.

Other questions and comments had to do with the lighting on the site. It was explained that lighting would comply with the Land Development Code and would be enough to keep the property safe and not attract loiterers, but not so much that it would become a distraction to any neighbors. Some neighbors raised an issue about teenagers and others loitering on the site around Ballard High School football games. Dave Parks explained that having his business there, where he is very interested in protecting the property, would very much curtail that activity occurring because the property is now vacant.

The applicant also agreed to address some of the issues children have crossing Herr Lane to get to school. He is going to improve the sidewalk, create a walk-way for children to get from the neighborhood to the Herr Lane sidewalks, and allow the traffic guard to have a place to park to assist the children crossing.

Overall, the project was very well received by nearly all but a small handful of vocal opponents. Notably, the two neighbors immediately adjacent to the site, John Steward and Roger Henderson, both spoke up in favor of and in support of the project.

**TAB 5
DEVELOPMENT PLAN**

R-6/N
NEW JEFFERSON PLACE REALTY
5450 E HIGH ST STE 220
PHOENIX, AZ, 85044-5477
D.B. 8647, Pg. 0962

R-3
WEST, RALPH S
7203 ARROW
LOUISVILLE, KY,
D.B. 5517,



R-6 ZONING

S36° 52' 04"E 206.06'

R-4 ZONING (OR PROPOSED)

REAR S./B

PROP. 37' 0" E 347.40'

PROPOSED DUMPSTER ENCLOSURE

PROP. BIKE RACK

3 CARPOOL SPACES

PROPOSED 6" PRIVACY FENCE

SHALLOW SWALE BEHIND CURB

R- STEWAR
W
7201 ARR
LOUISV
4022
D.B. 8861

S52° 43' 48"W 347.40'

Ex. 15'

HENDER
& G
161
LOU
40
D.B. 4

Ex. 15' Elec. & Tele. Emnt

R-4 ZONING (OR PROPOSED)

R-3 ZONING

R-6 ZONING

R-4 ZONING (OR PROPOSED)

R-4 ZONING (OR PROPOSED)

R-3 ZONING

N36° 52' 04"W 211.45'

21' EP/EP

HERR LANE 120' R/W WIDTH REQ.
(MINOR ARTERIAL)

23' EP/EP

VARIANCE EXHIBIT



- Numbers shown represent distance between structures and Herr Lane pavement
- Researched from LOJIC mapping

TAB 6
BUILDING ELEVATIONS AND
FENCE DETAIL



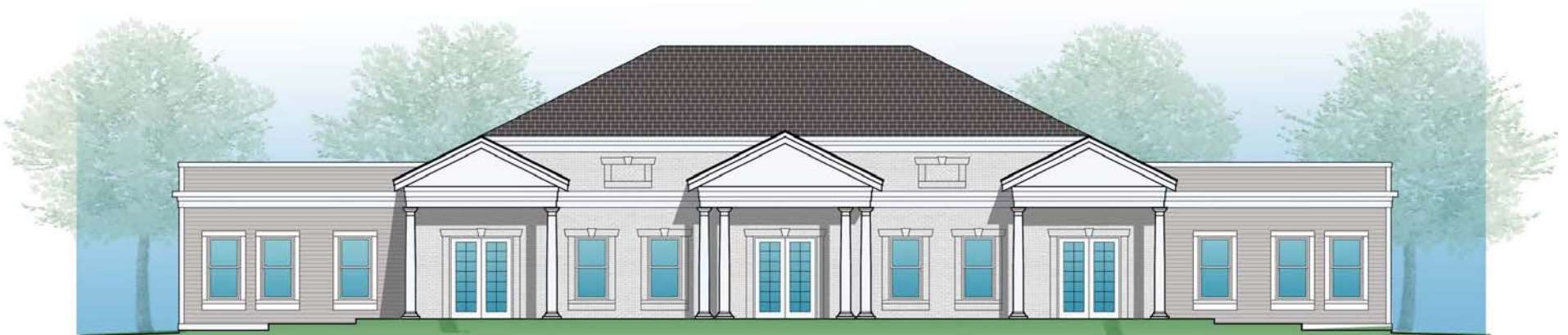
PROPOSED WEST ELEVATION — HERR LANE
SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED EAST ELEVATION – PARKING LOT
SCALE: 1/8" = 1'-0"

POTENTIAL PRIVACY FENCE EXAMPLES









TAB 7
STATEMENT OF COMPLIANCE
FILED WITH THE ORIGINAL ZONE
CHANGE APPLICATION WITH ALL
APPLICABLE GOALS OF THE 2040
PLAN AND VARIANCE
JUSTIFICATION

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

<u>Applicant:</u>	David Parks
<u>Owner:</u>	JDP Real Estate Holdings, LLC
<u>Location:</u>	1701 Herr Lane
<u>Proposed Use:</u>	Office
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Zone change from R-4 to OR

COMMUNITY FORM

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

The proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 3.1.8, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 as follows:

The proposed change in zoning to OR complies with Goal 1 in several ways. First, the subject property is nearly the last remaining piece of land available from Westport Road to Brownsboro Road on Herr Lane. The Neighborhood Form District allows low intensity office services to serve the surrounding suburban residential areas. The subject property is located in a Neighborhood Form District which contemplates the location of “civic uses and neighborhood centers with a mixture of uses, such as offices, retail shops, restaurants and services.” Offices proposed at this location will provide services to the nearby densely populated residential area which it will serve, being used as a very low impact real estate brokerage office. This office is located on a minor arterial (Herr Lane) and it will share its entrance with the adjoining Signature Healthcare at Jefferson Place rehabilitation facility. This type of service and office is ideally suited for the Neighborhood Form District as the type of low intensity commercial use that will occupy a lot which has been unoccupied for many years and which the former residential home was torn down also many years prior.

The property is located near other retail and strip centers along Westport and Brownsboro Road. This office building will serve the area and position the overall property to adapt readily now and in the future to new market demands. The property will have parking interior to the site adjacent to the Signature Healthcare at Jefferson Place rehabilitation facility. There are existing sidewalks promoting pedestrian and bicycle use consistent with the Neighborhood goal, which

will also be improved as a result of this project, improving access for those using TARC as well as improving access for the neighborhood children crossing Herr Lane to go to school.

The development and proposed zone change will remain compatible with the scale and site design of nearby residential uses. The property will allow a mixture of densities through the allowable uses with the negotiated buffers and landscaping. As a result, the appropriate buffers and a proposed 6 ft privacy fence will be provided so that this rezoning will not cause further expansion into residential areas.

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

The proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 12 13, 14, 15, 16, & 17 as follows:

The proposed change in zoning from R-4 to OR to allow an office will encourage sustainable growth by placing a low intensity real estate brokerage office, compatible with the neighborhood and existing infrastructure, on an empty lot fronting Herr Lane. The design and density are appropriate with adjacent residential uses that will serve the needs of the surrounding community. This site is located in an established section of eastern Metro Louisville, where through a combination of design measures and the nature of the use itself, will not create any nuisances for surrounding residential properties. Office and residential uses are frequently located adjacent to each other and encouraged to do so because of the relatively low intensity and to reduce traffic by placing services and employment close to the residential areas. The nature of real estate brokerage offices create even less traffic than a traditional office, particularly at peak times, because so much of that business is now conducted off-site where agents visit properties, not a formal office from nine to five working times.

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

The proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 as follows:

The proposed development plan will enhance the surrounding neighborhoods by not diminishing any open space or natural resources. The zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes. The proposal avoids any change in topography and does not increase any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding residential properties. Moreover, the proposed detention basin will continue to limit any issues with flooding or standing water, and protecting the health, safety and welfare of the adjacent properties and future uses of the development.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 as follows:

The site is designed to be compatible with the surrounding land uses through infill. The proposed building will consist of durable, residential style building materials, including brick. There is an existing curb cut on Herr Lane for the Jefferson Place Rehabilitation facility. The

proposed office building will share this entrance. Noise and odors from offices is nonexistent or at least minimal. Further, hours of operation will only be during times when area residents are awake. Lighting will be designed in accordance with Land Development Code requirements, and, visual impacts will be minimal, and improved in many instances to what currently exists. Offices, being neighborhood serving uses, are often appropriate transitions to higher intensity uses (such as exist south of this site) and they provide a good transition.

MOBILITY

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 as follows:

The development plan evidences the current existing physical condition of the property which contains an accessible system of alternative transportation modes of travel through connections between the uses for bicycles and pedestrian traffic. The site is served by public transportation through multiple TARC bus lines near the property. The development and nearby retail/commercial uses are located on a minor arterial of Herr Lane encouraging efficient access and minimizing distances of travel. It also continues to place higher density and intensity near existing commercial corridors and along the minor arterial and primary collector with TARC service available.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 as follows:

The development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access which are already part of the development. The site distances for the curb cuts will not change and are adequate for the area. The internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc. The entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center the tools to survive into the future. The plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Neighborhood. The plan is consistent with long range transportation plans of the community. The parking requirements of the site consider the density of the use and the character and pattern of the Form District in that it will continue to serve the community in the same way that it currently serves. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access.

COMMUNITY FACILITIES

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

The proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 as follows:

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 as follows:

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by using an infill site and developing property for uses serving the surrounding residential community with an office use dedicated to the sale of real estate property. It locates these new potential uses in an area with existing infrastructure, utilizes the curb cut and access of the already existing rehabilitation/senior living facility, in an efficient manner increasing economic opportunities in the area. It will also provide opportunities to small businesses thereby increasing economic opportunity to business owners and employment.

Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.

The proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 as follows:

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by using and readapting the current unused site, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center. It also satisfies the goal and policy of infill development to take advantage of the existing infrastructure. The proposed office complies with these Goals and Objectives because it will also provide opportunities for employment close to the residential properties and nearby population. Also, it is located on a minor arterial, providing good access, where nuisances and activities will not adversely affect adjacent areas. Potential users will be users that are compatible with the area.

LIVABILITY

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

The proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 as follows:

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating significant new traffic for the area, particularly not creating traffic during peak traffic times. It also will continue to deal with any impacts to drainage associated with the site through the use of a detention basin accounting for the impervious surface. Landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses.

Goal 2 – Ensure equitable health and safety outcomes for all.

The proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy 8 as follows:

The development plan complies with the objectives and policies of Goal 2 of Livability element by providing opportunities for employment at the potential future office close to the residential properties and nearby population. Also, it is located on a minor arterial, providing good access, where nuisances and activities will not adversely affect adjacent areas.

Goal 3 – Ensure equitable access to land use planning and Policy-making resources.

The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 as follows:

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and by providing an opportunity for area involvement in the plan design and sought-after zoning changes. The developer also participated in an MSD meeting organized by the Councilmember to discuss water and drainage issues in the area.

Goal 4 – Integrate sustainability and resilience in community planning processes.

The proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 as follows:

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such residential services. It also provides needed services in and along the transit corridor of Herr Lane supporting public transportation with the medium and high intensity uses.

HOUSING

The proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing building near residential areas, thereby strengthening and supporting

the housing in the area. This use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community.

* * *

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 to be presented at Planning Commission public hearings, this application will comply with all other applicable Objectives and Policies 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

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 Sections 5.3.1.C.1 & 5.1.12.B.2.a of the Land Development Code to allow the proposed building to be located 27' from the front property line, rather than the 35' front setback requirement established by the infill regulations.

1. The variance will not adversely affect the public health, safety or welfare because the variance requested is only 8 ft. Due to site constraints that are beyond the applicant's control, relocating the building closer to Herr Lane is more desirable than disturbing existing shallow subsurface rock, to enable a design of the site and building to meet ADA requirements for building entries and adjacent sidewalks.
2. The variance will not alter the essential character of the general vicinity because all other LDC requirements will still be met, including a safe distance between the building and Herr Lane.
3. The variance will not cause a hazard or a nuisance to the public because all other LDC requirements will still be met and the resultant building will not cause any sight line issues for the adjacent roadway.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the site constraints, which beyond the applicant's control. Relocating the building closer to Herr Lane is more desirable than disturbing existing rock, which could create impact for surface drainage and ground water flowage and enables the design of the site and building to meet ADA requirements for building entries and adjacent sidewalks.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because if it were not for the shallow subsurface rock, the building could be placed within the building limits and this variance would not be required.

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 site constraints are out of the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing subsurface rock, which may create negative unforeseen consequences to the geology of the area and will permit the designs for the site and building to meet ADA requirements for building entries and adjacent sidewalks.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the pre-existing geologic conditions of the site are beyond the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing rock, while designing the site and building to meet ADA requirements for building entries and adjacent sidewalks.

TAB 8
PROPOSED FINDINGS OF FACT
PERTAINING TO COMPLIANCE
WITH THE 2040 PLAN AND
VARIANCE CRITERIA

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

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

Applicant: David Parks

Owner: JDP Real Estate Holdings, LLC

Location: 1701 Herr Lane

Proposed Use: Office

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

Request: Zone change from R-4 to OR

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 21, 2019 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

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 and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 3.1.8, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 because the proposed change in zoning to OR complies with Goal 1 in several ways; first, the subject property is nearly the last remaining piece of land available from Westport Road to Brownsboro Road on Herr Lane; the Neighborhood Form District allows low intensity office services to serve the surrounding suburban residential areas; the subject property is located in a Neighborhood Form District which contemplates the location of “civic uses and neighborhood centers with a mixture of uses, such as offices, retail shops, restaurants and services”; offices proposed at this location will provide services to the nearby densely populated residential area which it will serve, being used as a very low impact real estate brokerage office; this office is located on a minor arterial (Herr Lane) and will share its entrance with the adjoining Signature Healthcare at Jefferson Place rehabilitation facility; and this type of service and office is ideally suited for the Neighborhood Form District as the type of low intensity commercial use that will occupy a lot which has been vacant for many years on which the former residential structure was demolished many years ago; and

WHEREAS, the property is located near other retail and strip centers along Westport, Lime Kiln and Brownsboro Road; this office building will serve the area and position the overall property to adapt readily now and in the future to new market demands; the property will have parking interior to the site adjacent to an institutional use: Signature Healthcare at Jefferson Place

rehabilitation facility; there are existing sidewalks promoting pedestrian and bicycle use consistent with the Neighborhood goal, which will also be improved as a result of this project, improving access for those using TARC as well as improving access for the neighborhood children crossing Herr Lane to go to school; and

WHEREAS, the development and proposed zone change will remain compatible with the height, mass, scale and site design of nearby residential uses; the property will allow a mixture of intensities through the allowable uses with buffers and landscaping designed with the input of adjacent neighbors; and as a result, the appropriate buffers and a proposed 6 ft privacy fence will be provided so that this development will not cause further expansion into residential areas; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, & 17 because the proposed change in zoning from R-4 to OR to allow an office will encourage sustainable growth by placing a low intensity real estate brokerage office, compatible with the neighborhood and existing infrastructure, on an empty lot fronting Herr Lane; the design and intensity are appropriate with adjacent residential uses that will serve the needs of the surrounding community; this site is located in an established section of eastern Metro Louisville, where through a combination of design measures and the nature of the use itself, will not create any nuisances for surrounding residential properties; office and residential uses are frequently located adjacent to each other and encouraged to do so because of the relatively low intensity and to reduce traffic by placing services and employment close to the residential areas; the nature of real estate brokerage offices create even less traffic than a traditional office, particularly at peak times, because so much of that business is now conducted off-site where agents visit properties, not a formal office from nine to five working times; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 because the proposed development plan will enhance the surrounding neighborhoods by not diminishing any public open space or natural resources; the zoning change will not cause any impact to flood prone areas, wet or permeable soils or steep slopes; the proposal avoids any change to topography and does not cause any environmental changes or damage; the landscape buffers and setbacks will continue to provide spatial and visual transitions between the site and the surrounding residential properties; moreover, the proposed detention basin will limit any issues with flooding or standing water, and will protect the health, safety and welfare of the adjacent properties and future uses of the development; and

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 because the site is designed to be compatible with the surrounding land uses compliance infill standards; the proposed building will consist of durable, residential style building materials, including brick; there is an existing curb cut on Herr Lane for the Jefferson Place Rehabilitation facility and the proposed office building will share this entrance; noise and odors from offices is nonexistent or at least minimal; further, hours of operation will only be traditional office hours; lighting will be designed in accordance with Land Development Code

requirements (down and away from residential uses) and, visual impacts will be minimal, and improved relative to current conditions; any offices, being neighborhood serving uses, are regarded as appropriate transitions to higher intensity uses (such as exist south of this site) and provide a good buffer from lower intensity/density uses; and

MOBILITY

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 because the development plan respects the existing physical condition of the property which provides an accessible system of alternative transportation modes of travel through connections between the uses for bicycles and pedestrian traffic; the site is served by public transportation through multiple TARC bus lines near the property; the development and nearby retail/commercial uses are located on a minor arterial of Herr Lane and Lime Kiln Lane providing efficient access and minimizing vehicle miles travelled; and it also continues to place higher intensity near existing commercial corridors and along the minor arterial and primary collector with TARC service available; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 because the development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access which are already part of the development; the site distances for the curb cut will not change and is adequate at this location; the internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc.; and the entrance is compatible with surrounding development and aesthetically pleasing to adjacent areas; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 because the development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complementary neighborhood serving businesses, services and reducing vehicle miles travelled by providing the activity center the tools to survive into the future; the plan will not burden the transportation network but rather will allow the site to continue to be consistent with the purpose of the Neighborhood; the plan is consistent with long range transportation plans of the community; the parking requirements of the site consider the intensity of the use and the character and pattern of the Form District in that it will continue to serve the community in the same manner; and the plan also satisfies the policy of supporting bicycle and pedestrian travel by providing for those modes of access; and

COMMUNITY FACILITIES

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 because this development plan is not a community facilities plan, but it does

locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 because this development plan complies with Goal 1 of Economic Development as it provides an economic climate that improves growth, innovation, and investment opportunity for all by putting an infill site to productive use and developing property for uses serving the surrounding residential community with an office use dedicated to the sale of real estate property; it locates these new potential uses in an area with existing infrastructure, utilizes the existing curb cut and access of the rehabilitation/senior living facility, in an efficient manner which reduces the impact of increased economic opportunities in the area; it will also provide opportunities to small businesses thereby increasing economic opportunity to business owners and employment; and

Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by using and readapting the current vacant site, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center; it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; the proposed office complies with these Goals and Objectives because it will also provide opportunities for employment close to the residential properties and nearby population; and it is located on a minor arterial, providing good access, where nuisances and activities will not adversely affect adjacent areas. Potential users will be compatible with the area; and

LIVABILITY

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17, 23, 25, 26, 27, 28, 31, 32, 35, & 39 the development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating significant new traffic for the area, particularly during peak traffic times; it also will continue to deal with any impacts to drainage associated with the site through the use of a detention basin accounting for the impervious surface; landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses; and

Goal 2 – Ensure equitable health and safety outcomes for all.

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy 8 because the development plan complies with the objectives and policies of

Goal 2 of Livability element by providing opportunities for employment at the potential future office close to the residential properties and nearby population; and it is located on a minor arterial, providing good access, where nuisances and activities will not adversely affect adjacent areas; and

Goal 3 – Ensure equitable access to land use planning and Policy-making resources.

WHEREAS, the proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and by providing an opportunity for area involvement in the plan design and sought-after zoning changes; and the developer also participated in an MSD meeting organized by the Councilmember to discuss water and drainage issues in the area; and

Goal 4 – Integrate sustainability and resilience in community planning processes.

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such residential services; and it also provides needed services in and along the transit corridor of Herr Lane supporting public transportation with the medium and high intensity uses; and

HOUSING

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing building near residential areas, thereby strengthening and supporting the housing in the area; and this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of Plan 2040;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the City of Crossgate that it rezone the subject property from R-4 to OR and approves the Detailed District Development Plan.

Findings of Fact for the Variance

Variance from Sections 5.3.1.C.1 & 5.1.12.B.2.a of the Land Development Code to allow the proposed building to be located 27' from the front property line, rather than the 35' front setback requirement established by the infill regulations.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the variance requested is only 8 ft; due to site constraints that are beyond the applicant's control, relocating the building closer to Herr Lane is more desirable than disturbing existing shallow subsurface rock, to enable a design of the site and building to meet ADA requirements for building entries and adjacent sidewalks; and

WHEREAS, the variance will not alter the essential character of the general vicinity because all other LDC requirements will still be met, including a safe distance between the building and Herr Lane; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because all other LDC requirements will still be met and the resultant building will not cause any sight line issues for the adjacent roadway; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the site constraints, which beyond the applicant's control; relocating the building closer to Herr Lane is more desirable than disturbing existing rock, which could create impact for surface drainage and ground water flowage and enables the design of the site and building to meet ADA requirements for building entries and adjacent sidewalks; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because if it were not for the shallow subsurface rock, the building could be placed within the building limits and this variance would not be required; 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 site constraints are out of the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing subsurface rock, which may create negative unforeseen consequences to the geology of the area and will permit the designs for the site and building to meet ADA requirements for building entries and adjacent sidewalks; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the pre-existing geologic conditions of the site are beyond the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing rock, while designing the site and building to meet ADA requirements for building entries and adjacent sidewalks; and

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