

**PROPOSED FINDINGS OF FACT ADDRESSING COMPLIANCE WITH GUIDELINES
AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

UNITY PLACE COMMONS
DOCKET No. 16ZONE1027

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee meetings and during its Public Hearing held on August 22, 2018, and having reviewed evidence submitted into the administrative record for Case No. 16ZONE1027 and further evidence presented by the applicant, interested parties, and the staff's analysis of the application, make the following findings:

SUMMARY STATEMENT

WHEREAS, in an effort to help resolve the scarcity of affordable housing in the Louisville Metro community, the applicant, KALOS Holdings, Inc., d/b/a Barrister Commercial Group (BCG), in cooperation with Kentucky Refugee Ministries ("KRM") and Catholic Charities ("CC"), propose an apartment community consisting of twenty-six (26) one-, two- and three-story buildings with a total of two hundred sixty (260) units, a clubhouse and swimming pool on an 18.35-acre section of a tract of vacant land 19.66 acres in size, located at 8016 Shepherdsville Road, Louisville, Kentucky ("Property"). The Property is situated along the west side of Shepherdsville Road, just south of its intersection with Robbs Lane, and within reasonable walking distance to various goods and services located along Outer Loop. Accordingly, BCG is seeking approval to rezone the unused Property from R-4 Single Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial as well as variance relief to allow three-story apartment buildings 2 and 3 to encroach into the 50-foot minimum setback so that BCG may proceed with the construction and operation of affordable multi-family residential apartments to be known as Unity Place (the "Proposal"). Unity Place will be used, in part, to provide affordable housing for refugees and immigrants served by KRM and CC and local qualifying people and families. The Proposal will also include facilities to provide services including resettlement, social and economic integration, societal integration, job training, language skills, and religious ministry services, and other outdoor space and recreational areas.

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the Louisville Metro Planning Commission ("Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the proposed change in zoning of the Property from R-4 Single-Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial on approximately 19.66 acres (of which approximately 18.35 acres is currently zoned R-4 Single Family Residential and approximately 1.31 acres is currently zoned C-1 Commercial, the latter of which will remain C-1 Commercial) complies with Guideline 1 of the

Cornerstone 2020 Comprehensive Plan (the “Comprehensive Plan”) because the Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas; the Neighborhood Form should contain diverse housing types in order to provide housing choices for differing ages and incomes, as well as provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles, and transit; the proposed Unity Place apartment community is compatible with the surrounding properties, as it provides an appropriate transition from the adjacent C-1 Commercial properties located at the intersection of Robbs Lane and Shepherdsville Road and from the minor arterial corridor of Shepherdsville Road to Cedar Brook Village, the single-family residential neighborhood established just west of the Property; the applicant has designed the proposed apartment community with the two-story buildings located near the single-family residences, keeping the taller buildings toward the interior of the Property; the proposed architectural design elements of the buildings, incorporates attractive, durable building materials establishing consistency with the character of adjacent single-family uses; the applicant will construct a pedestrian connection from the apartment buildings to Robbs Lane, where the applicant has pledged to pay the fee-in-lieu to assist in financing the construction of a sidewalk which will connect an existing sidewalk east of the Property on Robbs Lane to a new sidewalk connection along the Property’s frontage and proceeding westward to the existing section of sidewalk on Robbs Lane near its intersection with Outer Loop, thereby creating a sidewalk extending the length of Robbs Lane from Shepherdsville Road to Outer Loop, where a large commercial center is located that provides various goods and services at a walkable distance for Unity Place residents; vehicular accesses to the development will be via two curb cuts from Shepherdsville Road;

GUIDELINE 2 – CENTERS

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed apartment community is a compact residential development, providing more housing on less land, and protecting the blueline stream on the northern section of the Property thereby conserving environmentally sensitive features on-site; the Property is centrally located in close proximity to major employment and commercial centers, therefore the applicant’s Proposal will further permit KRM and CC to provide resettlement services and religious ministry services at one central location where needed employment opportunities, access to schools, medical care, mass transit and other services are also located nearby; and given the Property’s ideal location near existing commercial activity centers supplying necessary goods and services, its approval will further promote a reduction in commuting time and transportation-related air pollution; sidewalks and walkways will be constructed to provide adequate pedestrian linkages, and TARC service is available nearby on Outer Loop; therefore, the proposed development will be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities;

GUIDELINE 3 – COMPATIBILITY

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 3, Compatibility of the Comprehensive Plan and all of the applicable Policies because the proposed site plan for the Unity Place community has been designed to be an appropriate transition with the use and scale of surrounding properties in mind, especially between the adjacent commercial center located at the intersection of Robbs Lane and Shepherdsville Road and the single-family residential properties to the west and south of the Property; several R-5A, R-6 and R-7 multi-family zoned properties are located within a one-mile radius of the site; inclusion of this affordable housing development also furthers the purposes of the Neighborhood Form Area by encouraging a mixture of predominantly low- to high-density residential uses as opposed to simply encouraging the continued static development of R-4 Single-Family Districts in the remaining undeveloped areas; the proposed development plan contains buffers that exceed Land Development Code (“LDC”) requirements, especially on the west property line separating the Property from Cedar Village properties, which, combined with the fact that the two-story apartment buildings will be appropriately set back from the west property line, creates more than sufficient space between the apartment buildings and the single-family residential homes, mitigating any disparity in scale between the apartment buildings of Unity Place and the residences of Cedar Village; though a variance is requested from the Land Development Code Section 5.4.2.A.4.a. to allow proposed three-story multi-family buildings (Apartment Buildings 2 & 3) to encroach into the 50-foot minimum setback, the variance will not erode compatibility because the building height limitation between the adjacent properties is the same – 35 feet – and the proposed apartment buildings are positioned behind the single-family residence, not up against it; moreover, two-story apartment buildings will front Shepherdsville Road maintaining the one- to two-story architectural scale consistent along this section of the minor arterial corridor; as it concerns the buffering and screening of Unity Place from the less dense single-family properties, the proposed development plan also includes a combination of a durable, vinyl fence and plantings that exceeds LDC requirements, thereby minimizing any visual impacts of the proposed apartment buildings; the architectural design elements will coordinate with the character of adjacent single-family residential uses and lighting employed on site will be directed down and away from adjacent residential uses; all signage will be in conformance with LDC regulations; the Traffic Report prepared by Stantec for Louisville Metro Public Works demonstrates that the additional traffic from the Unity Place community will have a negligible impact on existing levels of service on the surrounding roadways; and although a component of Unity Place is being developed to address the shortage of quality, affordable housing for refugee families being placed in Louisville Metro, the proposed apartment community will be constructed as market-rate and will provide additional housing options for those in the area or looking to move to the area to be close to the nearby employment centers;

GUIDELINE 4 – OPEN SPACE

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 4 of the Comprehensive Plan, including Policies 1, 2, 3, 4, 5, 6 & 7 because the open

space provided within the proposed apartment community generously exceeds the amount of open space required by the LDC by nearly 3 acres and serves both environmental and recreational purposes because it preserves substantial areas of open and other recreational space in addition to providing separation between the project and adjacent neighborhoods; the Property contains a section of a blueline stream located within its northern area (C-1 portion) and the proposed development plan shows that the stream buffer is being preserved free of parking and buildings; the proposed development plan also contains a significant amount of space throughout the site, especially towards the back (west) property line shared with the residents of single-family neighborhood, as well as a pool, playground/recreation area and garden area centered on-site as a primary focal point; and because this open space is part of a development that will be held by a single property owner, maintenance of the open space is assured;

GUIDELINE 5 – NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

WHEREAS, the Planning Commission finds the proposed rezoning complies with all applicable Policies of the Comprehensive Plan’s Guideline 5 because the Property, excepting the section of a blueline stream that will be fully protected, contains no significant slopes or otherwise impaired areas; and no historic resources have been noted by Louisville Metro Historic Preservation on the subject property;

Guideline 6 – Economic Growth and Sustainability

WHEREAS, the Planning Commission finds the proposed rezoning complies with the applicable Policies of the Comprehensive Plan’s Guideline 6 (notable Policies 1, 2, 4 & 6) because the proposed apartment community is located near many job opportunities, including a large employment center in GE’s appliance park, as well as myriad retail, restaurant and other commercial uses and the many satellite businesses in the area located along the Outer Loop, Jefferson Boulevard, and Shepherdsville Road corridors, which are all within a reasonable walking distance from the Property; the proposed apartment community represents an appropriate investment on land fronting a minor arterial roadway that has long remained vacant and idle; and whereas the Commission also finds multi-family housing offers maintenance free-living opportunities, which is attractive to young childless and older, retired singles and couples who are in most need of affordable housing units and the affordable housing prices of this development will also further encourage more diverse housing types in order to provide greater housing choice for differing ages and incomes in the area;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with the applicable Policies of the Comprehensive Plan’s Guideline 6, as well as the Mayor’s Office and Louisville Metro Council’s efforts to reduce the high demand in Louisville Metro for affordable housing options because, at the time of this zoning application’s submittal, there were approximately 20,000 families currently on the Housing Authority of Louisville’s waitlist for housing assistance and these shortages in affordable housing options are also affecting our community’s most vulnerable citizens: our elderly, our disabled and our children; and whereas

Louisville Metro’s refugee and immigrant populations are also equally vulnerable to the harms caused by Louisville’s affordable housing crisis as they are often unable (initially) to afford the full cost of suitable housing and, consequently, are often forced to expend considerable resources identifying affordable housing options in which to house newly arrived refugees and immigrants, which, in many occasions, results in newly arrived refugees, immigrants and their families being forced to live separated from not only people with similar nationalities, but also from the very assistance and ministry services that KRM and Catholic Charities provide to help facilitate these individuals’ and families’ successful transition into our community and also forces refugees, immigrants and their families to bear considerable cost and expense obtaining needed resettlement and ministry services from KRM and Catholic Charities; and whereas it also often forces a great number of refugees and their families to live in locations far from employment opportunities, transit routes, retail services, schools, medical assistance and other opportunities our community provides; and whereas the Planning Commission finds the Proposal will help address these aforementioned issues by establishing a cohesive multi-family community at a location where its residents can readily access opportunities to employment, transit routes, retail services, and education for both adults and children;

Guidelines 7, 8 & 9 – Circulation, Transportation Facility Design &
Bicycle, Pedestrian & Transit

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because vehicular access to the development will be from Shepherdsville Road, an existing minor arterial roadway that carries traffic to major arterials – such as Outer Loop directly north on Shepherdsville Road as well as additional access to Outer Loop via Robbs Lane, and also easy access to Preston Highway via Miles Lane, which intersects with Shepherdsville Road just south of the Property and runs westward to Preston Highway – and to highways such as the Gene Snyder Expressway (I-265) to the south of the Property via E. Manslick Road and Smyrna Parkway; a pedestrian connection will be provided from within the apartment community to Robbs Lane, thereby establishing a connection to the existing public sidewalk network, allowing pedestrians to go east on Robbs Lane and connect to the sidewalk on Shepherdsville Road running northward to Outer Loop; moreover, by applying the fee-in-lieu formula, the applicant has committed to help fund a sidewalk connection of approximately thirteen hundred (+/- 1,300) lineal feet along the southern frontage of Robbs Lane, from the Property westward to Outer Loop, where only about a quarter mile away numerous goods and services are located in Jefferson Mall, a Walmart Supercenter, Festival at Jefferson Court, among numerous other commercial establishments; Shepherdsville Road and Robbs Lane have adequate traffic-carrying capacity, which is demonstrated by the Stantec Traffic Impact Study (TIS); for vehicles driving north on Shepherdsville Road a center lane will be provided allowing safe left turns into the development; the site’s access points along Shepherdsville Road are compatible with adjacent land uses and will prevent traffic flows through less dense residential areas to the west;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because, per the detailed development plan accompanying the zoning application, well-designed internal circulation, appropriate access, sight distances, corner clearances and sufficient off-street and required handicap parking spaces are provided; additionally, the proposed apartment community is within a quarter mile walking distance of TARC routes that serve Shepherdsville Road, and, to further facilitate resident access to mass transit services, the applicant will continue to work with TARC to introduce a new Park N' Ride location along Robbs Lane at the northern boundary of the site; thus, the availability and accessibility of alternative modes of travel will minimize single occupant vehicle travel;

GUIDELINES 10 & 11—FLOODING, STORMWATER & WATER QUALITY

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guidelines 10 and 11 of the Comprehensive Plan because the proposed development plan contains two drainage basins with more than sufficient stormwater drainage capacity onsite, which will accommodate stormwater drainage runoff at a ratio of 1.5 to 1, as the Metropolitan Sewer District (MSD) has required for this particular development and is more than the standard MSD requirement, therefore, suitable detention will be provided to ensure that peak post-development surface water runoff will not exceed pre-development levels and that there will be no significant increase in flooding or excess drainage to adjoining properties; by maintaining the complete buffer along the blueline stream on the Property, the drainage that does enter the stream will be cleaner for having run across a vegetated surface on its way to the creek; the applicant has worked and will continue to work with MSD to provide adequate floodplain and stormwater mitigation where needed and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development; additionally, the applicant's final design for development of the Property will address and comply with all MS4 water quality regulations established by MSD;

GUIDELINE 12 – AIR QUALITY

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 12 of the Comprehensive Plan because traffic from the proposed development will have a minimal impact on nearby intersections, reducing idling that can adversely affect air quality; the development's location near TARC routes on Outer Loop should encourage residents to take the bus whenever possible; and the proposed development plan also contains internal and external sidewalks to encourage walking as a means of transportation;

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 13 of the Comprehensive Plan for all of the aforementioned reasons and because the

proposed development plan shows significant greenspace and buffer areas that exceed LDC requirements, especially along the western property line shared with Cedar Village residents, where mature trees exist that the applicant intends to leave untouched during and after construction of the development where feasible; interior landscaping will be installed in the vehicular use areas, which will enhance the buildings, break up the parking areas, and improve the overall aesthetics of the site, where currently the vast majority of the Property's interior area is unplanted and without tree canopy and the applicant will supply new trees while preserving perimeter trees to meet or exceed tree canopy requirements in accordance with the LDC; outdoor signage and lighting will comply with the LDC and will be compatible with the surrounding area; Open space will be provided in various forms from common open green areas to garden areas to recreational areas, including a swimming pool and walking paths, all of which create a balanced natural appearance surrounding the apartment community as well as provide areas for residents to enjoy outdoor activities;

GUIDELINES 14 & 15 – INFRASTRUCTURE & COMMUNITY FACILITIES

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 14 and 15 of the Comprehensive Plan because the Property will be served by infrastructure which has adequate carrying capacity for the proposed development; all necessary utilities, including water, electricity, telephone, and cable, are available; and the subject property is served by the Okalona Fire Department and the Louisville Metro Police Department;

HIGHVIEW NEIGHBORHOOD PLAN AND ITS RECOMMENDATIONS

WHEREAS, the Planning Commission further finds the Highview Neighborhood Plan, as adopted by the Louisville Metro Council, includes only a portion of the Property within the western edge of its study, as the Property is located on the periphery of the Plan and therefore the Commission finds it difficult to apply the recommendations set forth in the Highview Neighborhood Plan to the Property, but to the extent the Council finds the Highview Neighborhood Plan applicable, the Commission finds, for all the reasons stated herein, the Proposal complies with Land Use Recommendation 7 (LU7), which encourages limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes and where this Proposal is adjacent to a small commercial center located at the intersection of Robbs Ln. and Shepherdsville Rd. and within reasonable walking distance to two large commercial activity centers at Robbs Ln and Outer Loop and Shepherdsville Rd and Outer Loop; the Commission also finds the proposed building materials being brick, masonry, and hardiplank are of a quality that meet the spirit of Community Form Recommendation 3 (CF3) which seeks to incorporate design principles for new development/redevelopment of multi-family residential; the Commission finds the Proposal is in agreement with Mobility Recommendations 4 and 5 (M4 & M5) because the applicant is working with TARC to prioritize a transit stop location on the Property at Robbs Ln and will by funding an approximately 1300-foot sidewalk connection along the southern frontage of Robbs Ln, thereby creating a full sidewalk connection between Shepherdsville Rd and Outer Loop; and, for the aforementioned

reasons set forth herein, the Commission finds the Proposal is consistent with Sustainability Principles: S1, S2, S3, S4, S5, S6, S7, S8, and S10;

WHEREAS, for all of the reasons set forth at LD&T Committee meetings and the August 22, 2018 Planning Commission public hearing, as well as all of the information submitted in the administrative record for Case No. 16ZONE1027, as evidenced by the most recent detailed development plan presented to the Commission, the applicant's request to change the zoning designation of the Property from R-4 Single-Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial is in agreement with all other applicable Intents, Policies, and Guidelines of the Cornerstone 2020 Comprehensive Plan, including the Highview Neighborhood Plan, to the extent it applies to the Property; as a result, the Planning Commission finds the proposed rezoning complies with the required statutory criteria of KRS 100.213;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it change the zoning of the Property from R-4 Single Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial, and, furthermore, the Planning Commission approves the applicant's submitted detailed development plan.

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