

CHANGE IN ZONING JUSTIFICATION STATEMENT
CASE No. 21-ZONEPA-0032

AL CAT, LLC, et al.
R-4, Single-Family Residential District to R-5, Single-Family Residential District
Associated Major Subdivision Plan

July 2, 2021

REQUEST SUMMARY

AL CAT, LLC, et al. (the "applicant") is requesting a change in zoning districts from R-4, Single-Family Residential District to R-5, Single-Family Residential District and an associated major subdivision plan for property located at 5661 W. Indian Trail, Louisville, KY (the "Property"), whereon the applicant proposes to create: twenty-five residential lots, another lot proposed for utilization as a detention basin, and to extend existing Auburn Woods Road, a public local roadway and pedestrian connections within fifty feet (50') of right-of-way, on 4.8 acres of land. As more fully explained herein, the proposed zoning and major subdivision application conforms to Louisville Metro's Plan 2040 Comprehensive Plan ("Plan 2040"), for it is very similar in character, feel and appearance to the single-family properties in near proximity to the Property and therefore will compatibly blend with the existing Neighborhood Form assigned to the area (the "Proposal"). In short, the applicant's Proposal seeks to provide a moderate supply of new housing to the market of the immediate area, where houses similar to the ones the applicant proposes here have proven successful and in demand to residents who wish to live in the area. Accordingly, the Proposal will introduce a distinct housing type to the neighborhood, thereby contributing to and expanding the variety of housing within an area.

THE PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

NEW CUT ROAD/TAYLOR BOULEVARD CORRIDOR STUDY

The Louisville Metro Council adopted the New Cut Road/Taylor Boulevard Corridor Study in 2007, wherein said Study sets forth numerous recommendations concerning land use and community form, mobility, corridor identity, and economic development (See New Cut Road/Taylor Boulevard Corridor Study, pages 5-7) and applicable to properties fronting on either side of the New Cut Road/Taylor Boulevard Corridor. The Corridor Study issued no recommendations directly related to the Property, however, nor was the

JUL 02 2021

PLAN
S. COIGN

21-ZONE-0091

Property incorporated with the Corridor Study's Area Boundary (See New Cut Road/Taylor Boulevard Corridor Study, page 14). Therefore, the New Cut Road/Taylor Boulevard Corridor Study does not inform this zoning application. That stated, it is the applicant's position the Proposal will provide benefit to the New Cut Road commercial corridor because, if approved, the Proposal will strengthen the connections between Neighborhood Forms and the commercial activity centers in close proximity to the Property, especially through the residents accessibility to multi-modal transportation options in the area.

Plan Element 1 – Community Form

The Property is within the Neighborhood Form. Goal 1, Policy 3.1.3 of Plan 2040's Community Form Plan Element advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas. Moreover, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities. New neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses.

The Property is located within an area of residential development located along New Cut Road and near goods, services, job centers with safe access to pedestrian connections and public transportation. New Cut Road is minor arterial roadway in the area and provides a north-south corridor to nearby activity centers, including a Town Center Form District within a mile north of the Property and a Regional Center Form District within a mile south of the Property.

As previously discussed, single-family communities developed in varying densities, site designs, lot sizes and containing dwellings of different sizes and building materials surround the Property, as well as religious uses that operate east of the Property, between it and New Cut Road. R-5 zoning exists immediately to west and north of the Property; R-4 zoning exists adjacent to the south and east of the Property, the latter fronting New Cut Road. Other zoning districts within the immediate area include R-5A, R-6, R-7, and R-8A multi-family zoning, OR-1 and OR-2, Office Residential zoning as well as C1, C-2, Commercial zoning. Applicant's Proposal will connect to an existing R-5 single-family residential neighborhood to the west. Though connected to adjacent subdivision communities, the Proposal's site design, density, scale and architectural feel of its homes will positively contribute to the sense of place already well established within in the surrounding neighborhood, while also providing safe, efficient connectivity to its neighboring communities, thereby strengthening the surrounding Neighborhood Form.

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

As evidenced by the strong demand for the homes throughout the Auburn Oaks community, the market has well received R-5 single-family residential housing development in the specific area and the addition of twenty-five homes will expand the supply of housing, albeit moderately. The surrounding area is an attractive location to reside because it is positioned near successful activity centers, Iroquois Park, and a great number of employment options, all of which are available by accessible multi-modal transportation options serving the area. Here, the applicant's Proposal strengthens the Neighborhood Form encompassing it because the Proposal adds to the Form's already existing mix of single-family dwellings more houses that are compatibly constructed in scale with surrounding homes and built using high-quality design and lasting building materials (brick, masonry accents and hardy plank siding). The lot dimensions, building setbacks and building heights (1-story & 2-story) of the proposed residences are similar and in-line with the nearby residential communities within the Neighborhood Form. As such, the applicant's Proposal is in accord with Plan 2040's Community Form plan element because it bolsters the expanding neighborhood center in the immediate area with additional choices in quality housing.

The applicant's proposed subdivision will not detract from the existing Neighborhood Form by inserting adverse traffic impacts to the immediate area, however, for the request to add twenty-five lots on vacant ground will not generate high levels of traffic trips to cause disruption of existing traffic flows, over-capacitate existing roadway infrastructure, nor will the extension of Auburn Woods Road create sight-line problems. Moreover, the Proposal will not bring about any known nuisances, such as noise, odor, intrusive lighting, or out-of-place visual intrusions to existing viewsheds or neighboring properties. As such, and for the foregoing reasons, the applicant's request for R5, Single-Family zoning for the Property is in further agreement with Plan 2040's Community Form Goal 1.

The applicant's Proposal advances Goal 2 of Plan 2040's Community Form because it encourages sustainable growth and incorporates appropriate density within an area of differing residential densities, which are served by a nearby Town Center and Regional Center Forms along New Cut Road, where a variety of commercial and institutional uses exist, all of which are served by adequate multi-modal transportation infrastructure. Goal 2 of Community Form looks to accomplish, among other objectives, the promotion of corridors for investment, encouragement of diverse land uses to enhance quality of place and provide safe mobility options to strengthen connectivity around centers and corridors. The proposed change in zoning will allow for an expansion to existing housing stock in the immediate neighborhood, thereby increasing support for the commercial activity centers nearby to the north and south, which are accessible via foot, bike, vehicle and/or TARC.

RECEIVED

3

JUL 02 2021

PLANNING & DESIGN
SERVICES

21-ZONE-0091

Applicant's Proposal is also in concert with Goals 3 and 4 of Plan 2040's Community Form because the vacant site contains no known sensitive natural features, archaeological resources, nor historic assets that would be endangered or disturbed by the Property's development. The Property does not possess any severe, steep or unstable slopes that would cause immediate or long-lasting environmental degradation. No karst has been identified onsite. Development of the Property will avoid substantial changes to the site's existing topography. All applicable building setbacks will be met, landscaping buffers and tree canopy established onsite will equal or exceed the LDC requirements, light impacts on adjacent properties will be inconsequential, building height is consistent with the mix of building heights in the vicinity, and secured garage parking for residents will be sufficiently provided with each resident, with guest parking available via driveway space and on-street parking integrated throughout the site.

In summary, the Proposal harmoniously adds to the range of housing styles in the area, thereby promoting the surrounding Neighborhood Form by providing available housing options for differing ages and incomes. Indeed, the one- and two-story dwelling units the applicant intends to build on the Property will be compatible with the scale, form and function of the surrounding single-family residential uses. The proposed homes will be built from durable, quality building materials that are consistent with the building materials utilized in the established single-family neighborhood surrounding the Property, including brick, masonry, wood and/or cement siding. The Proposal, if approved, will develop a compact single-family community with attractive, safe roadway and pedestrian connections that seamlessly tie into adjacent residential communities, thereby building a stronger, more diverse neighborhood. Accordingly, the proposed development complies with Plan 2040's Community Form Plan Element.

Plan Element 2 – Mobility

The proposed zone change to R-5 and associated major subdivision of 25 single-family lots complies with Plan 2040's Mobility Plan Element and its three Goals because it expands similar residential development from a successful single-family community (Auburn Oaks) to the Property, where it will furnish and maintain proper site access, efficient and safe circulation throughout the development, while creating little to no adverse traffic-related effects onto adjacent areas. The subdivision plan shows an extension of existing Auburn Woods Road, a local roadway with pedestrian connections that interconnects with other the local roadways in Auburn Oaks and to New Cut Road. New Cut Road is a minor arterial where it intersects with Auburn Oaks Drive. Traveling north on New Cut Road, it transitions to a higher classification – major arterial – after its intersection with Southside Drive and 3rd Street Road, both minor arterials roadways. Traveling south, New Cut Road intersects with Outer Loop, where Outer Loop is a major arterial; correspondingly, to the north New Cut Road serves a Town Center Form and to

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

21-ZONE-0091

the south it serves a Regional Center Form at these aforementioned nearby intersections. New Curt Road has sufficient capacity to absorb the minute amount of vehicular traffic generated by the 25 new residential lots. Moreover, a local TARC bus route serves this stretch of New Cut Road. Pedestrian connections from the Property to the New Cut Road will provide access for residents who wish to ride TARC. Thus, once Auburn Oaks Drive is extended into the Property, an accessible system of alternative transportation modes will exist to serve the residents.

The Proposal will dedicate to public use a fifty-foot (50') right-of-way wherein pavement widths will be twenty (20') to twenty-two (22') feet, and the roadways will have curb and gutters. Sidewalks will be 4' in width on both sides of sides of the extended Auburn Woods Road. Due to the design of the internal roadway infrastructure within Cedar Ridge, high rates of speed for vehicles circulating through the community are not reasonably achievable, thereby providing a welcome environment for bicycling. Including the area dedicated to the Auburn Wood Road extension, the applicant will be dedicating approximately 0.8 acre of private property to public right-of-way. Proposed roadway and entrance intersections will meet the requirements for landing areas, as set by Louisville Metro Public Works; safe sightlines will be established and maintained throughout all roadways within the proposed subdivision. The applicant's Proposal avoids access to surrounding development through areas of significantly lower intensity or density. Circulation and turning radii will all meet minimum standards of Metro Transportation Planning and Public Works. The minimum grade of all streets shall be 1% and the maximum grade shall be 10%. Construction plans, bond, and permit are required prior to construction approval by Louisville Metro Public Works.

Each of the proposed single-family lots will have a garage and a driveway that connects the property to the development's internal roadway network. Adequate guest parking is available through on-street parking and on driveways of the single-family lots. Street trees will be planted in a manner that does not interfere with sight distances or create public safety issues. For the aforementioned reasons, the applicant's Proposal therefore complies with Plan 2040's Mobility plan element and all applicable objectives and policies therein contained.

Plan Element 3 – Community Facilities

Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Proposal

RECEIVED

JUL 02 2021

PLANNING & DESIGN SERVICES

21-20NB-0091

complies with Plan Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because although the Proposal itself is not intended to be a community facility, it will be served by all necessary utilities, including water, sewer, electricity, telephone and cable. To the extent possible, compatible utilities will be located within common easements and trenches, as required by each utility. Sanitary sewer will connect to MSD maintained sewer infrastructure by lateral extension agreement; all sanitary sewer facilities shall conform to MSD's adopted standards. The development also has an adequate supply of potable water and water for fire-fighting purposes; the Property is served by the Fairdale Fire Protection District, located nearby at 7940 3rd Street Road. Recreational facilities exist at nearby at Auburndale Park and larger recreational facilities are just down the road at Iroquois Park, as well as to the west at Waverly Park.

Plan Element 4 – Economic Development

Goal 1 of the Plan 2040's Economic Development Plan Element strives to provide an economic climate that improves growth, innovation, investment and opportunity for all. Goal 2 of the Economic Development Plan Element is to cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce; Goal 2 lists as one of its objectives as protecting and improving the economic value of the neighborhood. Here, the applicant requests approval from Louisville Metro to locate an attractive single-family home community for purchasers looking to reside in an area of south Louisville well supported by nearby goods, services, job opportunities and with easy access to multi-modal transportation, including pedestrian and vehicle connections and a TARC route along New Cut Road. As mentioned, the Property will connect to Auburn Oaks, an existing subdivision where all of the homes constructed were successfully purchased. Thru its zoning application and subdivision plan, the applicant wishes to utilize underused property to provide more of the same sought-after housing product similar to what exists in Auburn Oaks, thereby further strengthening the value of the Auburn Oaks neighborhood, as well as providing more customers for the nearby commercial activity centers located north and south of the Property on New Cut Road and beyond.

As discussed, the Property is just west of New Cut Road, where less than one half-mile to the north is a Town Center Form (at the intersection of New Cut Rd., Southside Dr., and 3rd Street Rd.) where a variety of commercial uses operate; and less than a mile to the south is a Regional Center Form where additional commercial goods and services are available, including a Super Walmart store, a mix of retail shops and a number of restaurants. TARC maintains a bus route along New Cut Road where future residents from the Property can access transit for transportation to either the Town Center or the

RECEIVED

JUL 02 2021

Regional Center. Moreover, the geographic location of the Property puts residents near a multitude of job sources, from commercial to office to industrial; from large to small; and from national to locally owned businesses, all of which can provide employment opportunities. Accordingly, the applicant's Proposal will further strengthen the connection between these commercial, industrial and office uses in the surrounding areas and the nearby neighborhood forms where residents live. Indeed, for the Proposal adds to the diversity in the area's housing stock and the future residents of these houses will in turn support the commercial uses, and, correspondingly, various commercial, office and industrial uses will supply the residents with job opportunities in close proximity to where they reside, most of which are easily accessed by multi-modal transportation. In short, the Proposal is an ideal opportunity to provide compatible housing that will contribute to the growth, investment and opportunity of the micro and macro markets of the immediate community and beyond. Accordingly, the Proposal advances Plan 2040's Economic Development Plan Element because it adds to the availability and diversity of quality housing located near workplaces.

Plan Element 5 – Livability

The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens. The applicant's Proposal seeks to establish a smaller single-family community on vacant property surrounded by single-family houses (except for the religious use to the west) of similar scale, density, and character. The applicant's Proposal is consistent with the applicable policies and objectives of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because with the development of the Property, the applicant, in an effort to protect and enhance the natural environment and integrate it with the built environment, will plant trees to meet the 40% tree canopy requirement of the Land Development Code on the Property and install attractive landscaping, including plant species native to the Kentucky area, throughout the site to help blend the built and natural environments. The applicant will make certain street trees will be planted in a manner that does not affect public safety or hamper sight distances, but will still provide needed shade to both the pedestrian and vehicular connections; the street trees will be key to addressing heat emanating from concrete and asphalt pavements. Perimeter setback areas on the Property will be maintained.

Additionally, the applicant will improve drainage infrastructure on the property and in the immediate area to help stormwater on the property and surrounding properties properly drain and not pool for extended periods of time. To accomplish this, the applicant will locate a drainage basin in the northern corner of the Property, where it can tie into existing drainage infrastructure located on adjacent properties to the north

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

21-ZONE-0091

and east of the Property (See existing Sanitary Sewer, Drainage & Detention Basin Easement, P.B. 39, PG. 80). The 7500 square foot basin and accompanying variable sewer and drainage easement will accommodate runoff from the site and runoff, assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil in accordance with Metropolitan Sewer District ("MSD") requirements. The applicant's proposed rezoning to R-5 for the Property complies with Plan 2040's Livability Plan Element because the Proposal will include onsite stormwater detention and post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive, thereby protecting adjacent and downstream properties from adverse impacts of stormwater drainage leaving the Property (See Subdivision Plan Sewer & Drainage Notes 1, 7, and 8). Required mosquito control shall be provided in accordance with Chapter 96 of the Louisville Jefferson County Metro Government Ordinances.

Connection to MSD sewer infrastructure via lateral extension will protect groundwater sources underneath the development and on adjacent properties. And, as the land is configured today, no portion of the Property lies within a flood hazard area per the applicable FEMA Map 21111 C 0091 E, dated December 5, 2006. Accordingly, emergency vehicle access will be able to traverse ground above any flood levels that might impact the property. Moreover, MSD must be satisfied with the applicant's proposed stormwater management system before the applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting. To ensure completion of proposed storm-water infrastructure, the Property will be subject to MSD drainage bonding prior to construction plan approval. The final design of this project must meet all MS4 water quality regulations established by MSD. The layout of the site may change at the design phase to facilitate proper sizing of green best management practices. Moreover, no hydric soils are present on the Property and the site does not contain any known archaeological features on it; and no severe, steep or unstable slopes exist on site. No karst features have been identified onsite. Finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD.

Considering the small size of the development, usable open space is not provided, per the submitted subdivision plan. Importantly, for residents' access to large amounts of offsite open space, parks and opportunities for exercise, the Property is located within a reasonable walk, short drive or bicycle ride to Auburndale Park (under a mile), and for a larger recreational area with more amenities, residents can go just a bit farther north to enter Iroquois Park (under 2 miles), where they can enjoy numerous activities at one of Louisville Metro's most celebrated Olmsted Parks. Importantly,

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

residents can travel from the Property to Iroquois Park all while using pedestrian connections.

The new single-family dwelling units will have quality, well-manufactured building materials that will deploy sustainability and efficient energy use for the built dwelling units, all of which are designed for accessibility to support residents and guests of different ages and physical abilities. Moreover, the applicant's Proposal complies with Plan 2040's Livability Plan Element because the applicant proposes to develop underused property, surrounded by single-family dwellings, into twenty-five (25) additional lots, which will connect to existing and available infrastructure with sufficient capacities rather than creating demands for new infrastructure systems to be constructed. The design of the site's access and its extension of Auburn Woods Road from the adjacent Auburn Oaks subdivision will freely move automobiles to, from and thru the site causing no degradation of air quality in the immediate area. The continuation of sidewalks on both sides of the extended Auburn Woods Road will encourage pedestrian activity throughout the site, connect individual dwelling units to the single-family homes within Auburn Oaks, as well as provide a pedestrian connection to New Cut Road, where transit can be accessed or where pedestrian connections continue on north or south to commercial activity centers. All of these measures will improve traffic conditions and, as a result, will minimize air pollution. Therefore, the proposed rezoning complies with Plan 2040's Livability Plan Element.

Plan Element 6 – Housing

The Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means, ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. As discussed herein, the applicant's Proposal advances all three Goals of the Housing Plan Element. The addition of twenty-five single-family homes will furnish quality-designed, well-constructed housing that will competitively add to the diversity in housing types, styles and design, thereby expanding the housing market of the existing Neighborhood Form surrounding the Property.

The Proposal is in agreement with the applicable policies of Housing Goals 1 and 2 because the development of the subdivision on underused property will expand housing options and provide a housing product that has proven successful in this

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

21-ZONE-0091

particular real estate market, as shown by the solid demand for houses in the adjacent Auburn Oaks; the demand for this type of single-family housing clearly exists. The Proposal will foster opportunities for residents looking to live in a central area of South Louisville with attractively-designed housing units constructed upon R-5-sized lots within a residential community that is located near accessible commercial activity centers and employment opportunities accessible by foot, bicycle, vehicle and multi-modal transportation.

This R-5 subdivision Proposal will act as a suitable transition between neighborhoods, as it will carry forward the R-5 zoning from the west to the R-4 zoning fronting the New Cut Road corridor. Lot widths will be 50' and outfitted with front and street yard minimum setbacks of 25'; minimum side yard setbacks are 5' and the rear yard setback is 25'. Newly planted trees and landscaping throughout the site will provide harmonious appearances between adjacent residential developments, ultimately strengthening compatibility and privacy between connected neighborhoods. The proposed development of 25 single-family lots in between similarly developed single-family properties will not generate significant traffic, and traffic to and from the development will be insubstantial. Purchasers of the proposed units will enjoy built-in garage space with direct access to their living space within the home, thereby allowing residents secured, covered access from their respective vehicles to the residences. The Proposal will have connectivity to established residential communities to the west and to New Cut Road, where commercial retail and restaurant uses are located in commercial activity centers both to the north and south of the Property. New Cut Road also provides access to Iroquois Park, various commercial uses and employment sources for residents. Consequently, the Proposal possesses various attributes that support inter-generational residents and presents an ideal development for residents of all ages.

Consistent with Goal 3 of Plan 2040's Housing Plan Element, the applicant's proposed rezoning will help ensure long-term affordability and livable options in the area because it represents a significant investment in the development of an underused single-family property into a brand new, single-family residential subdivision offering attractive, well-constructed homes on moderate lot sizes at a location near to employment centers and commercial goods and services. The Proposal appropriately places manageable density of single-family housing within the context of an area with various housing styles, ages and price points, all of which are supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, entertainment options, and transit. Additionally, the Proposal does not displace existing residents, for the Property is vacant ground. Accordingly, development of the subdivision will allow for new residents to move to the

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES

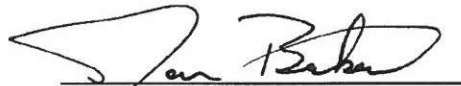
21-ZONE-0091

area and strengthen the immediate neighborhood and the surrounding activity centers serving the nearby Neighborhood Forms.

COMPLIANCE WITH KRS 100.213

For all the reasons set forth in the applicant's detailed Justification Statement and the information set forth on the Subdivision Plan submitted with its formal zoning application, the applicant's Proposal is in agreement with the intents, goals, objectives and policies of Louisville Metro's Plan 2040 Comprehensive Plan. And, as previously stated, although the New Cut Road/Taylor Boulevard Corridor Study (adopted in 2007) sets forth numerous recommendations involving properties fronting on either side of the corridor, the Corridor Study issued no recommendations directly related to the Property, nor was the Property incorporated with the Corridor Study's Area Boundary (See New Cut Road/Taylor Boulevard Corridor Study, page 14). Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213 and all applicable Louisville Metro planning documents.

Respectfully submitted,



Jon Baker
Wyatt, Tarrant & Combs, LLP
400 West Market Street, Suite 2000
Louisville KY 40202
Direct: (502) 562-7316
Fax: (502) 589-0309
Email: jbaker@wyattfirm.com

100523257

RECEIVED

JUL 02 2021

PLANNING & DESIGN
SERVICES