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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

Applicant/Owner: 4229 SMS, LLC, c/o Don Mucci

Location: 4229 Taylorsville Road

Proposed Use: Attached homes on single family lots

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

Requests: Change in Zoning from R-4 to PRD and submission of a preliminary subdivision plan

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on January 10, 2019 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the purpose of the Planned Development (PRD) District is to provide flexibility in layout and design of residential developments in a manner that promotes implementation of the Cornerstone 2040 Comprehensive Plan; the PRD district allows for zero lot line homes, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intents of the Comprehensive Plan, all of which this development plan complies with; in that regard, the PRD regulation requires that a PRD plan shall meet at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or Urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system; and

WHEREAS this proposed PRD home style development meets at least two of the above criteria, notably numbers 3 and 4, and 5 because this is a community intended for younger professionals

and empty-nesters who most often young without children and elderly retired people who are interested in maintenance free living, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves; this particular area of Metro Louisville is like almost all others where traditional style, detached single family homes are the norm; there are very few maintenance free housing options in the area that allows homeownership; the proposed maintenance free homes community of attached housing on smaller lots thus adds to the diversity of housing types in this area and will supply needed housing under demand for the differing age base of the community; the owner is also considering renting the units for a time before selling, which also would help fill a need for homeowners not wanting ownership; and the smaller lots also allow for the implementation of permanent green space along Taylorsville Road; and

WHEREAS, the Cornerstone 2040 Comprehensive Plan also strongly supports the provision of affordable and appropriate housing, and this new and additional housing option will provide just that being in a different price point than the surrounding residential homes; and

PLAN ELEMENT 4.1 - COMMUNITY FORM

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 3.1.3, 4, 5, 6, 7, 9, 10, 11, 14, 16, 17, 18, 19, 20 & 28 of Goal 1 of the Community Form Plan Element as the subject property is located in the Neighborhood Form District which is characterized by predominately residential uses from low to high density, with diverse housing types in order to provide housing choice for differing incomes, ages, and abilities, and zero-lot line neighborhoods with open space, all of which this DDDP provides; the site provides open space as is encouraged in the Neighborhood Form District at a scale that is appropriate for nearby neighborhoods; the site location on Taylorsville Road, which is classified as a major arterial, ensures easy access to the nearby “activity centers” just west of the site with an abundance of commercial uses and is appropriate for the slightly higher intensity, zero-lot line subdivision; this proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer lower maintenance, less demanding style living; major commercial land uses to the west and further down Taylorsville Road east of the site in close proximity to the subject property will especially make this an attractive location for a diverse group of home buyers, who will include mostly “empty-nesters” and “millennials” meaning, a few young childless singles and mostly older, often retired, singles and couples; and the existing services and infrastructure on the Taylorsville Road corridor makes this area extremely popular and appropriate for this type of residential development; and it provides low density development with compensating open space, with single-story, attractive building materials in a traditional design to blend easily with adjoining neighborhoods, albeit with an upgrade on some of the older, deteriorating properties in the area; and future residents will support and be supported by the businesses, services, schools and churches emerging in and around this site and nearby activity centers; and

WHEREAS, gross density will be in the low density range appropriate for the area, but still providing a mixture of density compared to some of the surrounding residences and subdivisions; and buildings will be constructed of attractive building materials (brick and hardy plank/vinyl siding) and will feature architectural details similar to and compatible with those in other nearby residential neighborhoods, to ensure that the scale and appearance of this community will be compatible with the existing communities and residences in this area; perimeter setbacks and landscape buffer areas are preserved along all property lines to screen resident activities from adjoining property owners; and the HOA will contract with professional

groundskeepers for care of the common areas including the entrance frontage, buffers and open space areas, as is typical for planned residential communities; and these features will further serve to keep resident activities away from adjoining properties and to ensure a positive overall appearance for this proposed community; and

WHEREAS, the development plan will utilize fencing and landscaping to provide appropriate transitions and buffers to mitigate impacts between this development and existing, adjacent homes; the setbacks are all appropriate for the area and consistent with nearby residences; and the height of the homes, all being limited to single-story homes, are wholly compatible with nearby residences; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area; Refuse will be picked up on a regular basis in separate containers for each home, as in any residential development in the area; lighting will be residential in character in conformance with Land Development Code regulations; and setbacks will be compatible with residential subdivisions allowed in the Neighborhood Form District; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 2.1, 3, 6, 8, 9, 13, 15, 16, & 17 of Goal 2 of the Community Form Plan Element as the subject property is located along major arterial, with access to nearby activity centers, a bike route and there are TARC stops both east and west of the site which will provide safe areas for pedestrians and bicyclists to travel to nearby neighborhoods and locations; the proposed use and density are compatible with adjacent uses and meets From District guidelines; the development plan encourages use of nearby activity centers to the east and west of the development; it results in efficient land use and cost effective infrastructure use reducing public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services; the plan places residential development in an appropriate location which is a designated residential center; the home currently existing on the property site is being preserved and moves for office use; the parking reflects the Neighborhood Form District standards; and the utility easements provide for access, maintenance, and repair; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 3, 6, 7, 8, 9 & 12 of Goal 3 of the Community Form Plan Element as the subject property because, unlike most standard single-family subdivisions, this one includes some meaningful perimeter open space, conserving some natural resources and features, assuring good transitions to neighboring properties; and providing for passive outdoor activities off residents' individual home lots; and the site's open space will help meet the recreational needs of the community; it assures for better buffers and a far superior neighborhood look and feel; the homeowners association will maintain these open areas; and the site plan is designed to prevent property damage associated with soil slippage, foundation failure, and to minimize environmental degradation; and appropriate measures have been taken to protect the health, safety and welfare of future users of the development; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2 & 3 of Goal 4 of the Community Form Plan Element as no portion of the subject property has been designated as a natural, historic or scenic preservation site, but the original home on the property, which is already zoned OR, is being preserved, remodeled and moved to the front of the site next to Taylorsville Road for office use; and

PLAN ELEMENT 4.2 - MOBILITY

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 6, 7 & 14 of Goal 1 of the Mobility Plan Element as the proposed development's entrance from Taylorsville Road, along with the street and sidewalk system will provide safe, controlled and efficient traffic flow to and through the community, as well as accommodate and support the needs of pedestrians and bicycle traffic to and from the development to nearby activity centers and commercial and retail land uses; and the addition and inclusion of sidewalks and bicycle traffic will promote both as a source of transportation as well as recreation; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 4, 5, 6, 7, & 8 of Goal 2 of the Mobility Plan Element as the subdivision and site location provide access to transportation facilities that accommodate all users consistent with those in the Neighborhood Form District through the use of roads, entryways and sidewalks; the site distance for the curb cut entrance is adequate for the use and location; the internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc.; the site does not allow or cause higher intensity use to circulate through areas of lower intensity or density developments; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20, 21, 23, 24, & 27 of Goal 3 of the Mobility Plan Element as the development plan provides walking and bicycling opportunities with the sidewalks and interconnected walkways, and by providing a diverse, but compatible mix of residential uses nearby to existing commercial and retail activity centers, thereby reducing miles traveled; the plan will not burden the transportation network, but will enhance it by developing the property in a way that is appropriate for the Neighborhood Form District along Taylorsville Road, which is a major arterial; the plan is consistent with long range transportation plans; and the plan also satisfies the policy of infill development opportunities supporting biking and pedestrian travel; and

WHEREAS, Taylorsville Road is adequate to handle the amount of traffic generated by this proposal; and the accompanying plan has received the preliminary stamp of approval from Metro Works, thus further demonstrating this project's compliance with all of the Mobility Plan Elements' Goals, Objectives and Policies of the 2040 Comprehensive Plan; and

PLAN ELEMENT 4.3 - COMMUNITY FACILITIES

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies of the Community Facilities Plan Element as 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

PLAN ELEMENT 4.4 – ECONOMIC DEVELOPMENT

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policy 7 of Goal 1 of the Economic Development Plan Element as this development plan provides economic climate that improves growth, innovation, and investment opportunity for all by reusing and redeveloping a deteriorating property and preserves the

existing building for office use and provides additional diverse residential development, all in an area with existing infrastructure in an efficient manner; it will increase economic opportunity to nearby business owners and employment providing a variety of home style homes that will be available at the development and future residents will support the businesses and services in nearby activity centers; also future residents will find that the ease of access to retail development on Taylorsville Road, Breckenridge Lane and Hurstbourne Parkway, and to other nearby activity centers is an amenity, promoting an economic climate that improves growth, innovation, and opportunity for all; the development, as proposed, will provide easy access to Taylorsville Road and I-265 and several other roads in the area, and from there to greater Louisville employment and commercial centers; and it will make efficient use of available property that lies within the Neighborhood Form District and is located in an area where residents currently seek new housing options and have easy access to nearby commercial and employment centers; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 3, 4, 5, & 8, of Goal 2 of the Economic Development Plan Element as it enhances the quality of life in the area by reusing and readapting a current less desirable current use, while at the same time protecting and improving the economic value of the surrounding areas by ensuring the property is properly maintained and updated for today's current residential market demands; it satisfies the goal and policy of infill development to take advantage of the existing infrastructure and also reuses the existing structure, renovates it, and extending its future of valuable use as an office; the design elements being used will limit the heat island effect through the use of green detention basins; and it promotes more affordable housing in the area; and

PLAN ELEMENT 4.5 – LIVABILITY

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 7, 11, 21, 23, 25, 26, 27, 28, 31, 35, 36, & 39 of Goal 1 of the Livability Plan Element as the development plan preserves the natural features of the topography of the site and provides appropriate landscaping design standards for the area; the site minimizes impervious surface by the use of zero-lot line homes and detention basins, and protects groundwater sources through the development and connection to existing MSD sewer infrastructure; it provides pedestrian and bicycle connectivity while not overly burdening traffic for the area on a major arterial; it also not burden current drainage problems associated with the site through the use of detention basins reducing storm water run-off; the site is in-fill development, thereby reducing miles traveled by developing in areas with infrastructure and nearby services; landscaping will be added to reduce the impacts of the site to other adjacent housing; the site will feature open spaces interspersed among the buildings that will be available for low impact recreational use by residents and will serve to provide natural areas and an overall positive appearance for the community; no portion of the site lies within the 100 year floodplain, all drainage will comply with MSD requirements, and this development plan has received preliminary approval by MSD; Louisville Water Company will provide water to the site; a soil and sediment erosion control plan will also be implemented and air quality will remain at good levels because, as noted above, the proposed internal road system and controlled entrance will distribute traffic to reduce air quality impacts relating to congestion or delays; also home style housing generates much less traffic on a per unit basis than standard single family homes, and home residents, who are mostly empty-nesters and childless millennials, generally who do not have as large an impact on morning and evening peak hour traffic; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policy 8 of Goal 2 of the Livability Plan Element as the development plan provides and stratifies design standards of the Neighborhood Form District and provides safe, healthy and accessible housing with infill development in a residential area; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, & 4 of Goal 3 of the Livability Plan Element by providing equitable access to the land use planning and policy resources to the surrounding residents and property owners by providing notice of the development, notice of all public meetings and by providing the neighborhood meeting, which encouraged and provided an opportunity for area involvement in the plan design; and providing handicap parking and access in the site for the disabled and other safety measures in accordance with law; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, & 8 of Goal 4 of the Livability Plan Element by providing and enhancing choices for mobility choices through vehicular access, sidewalks for pedestrian traffic, and bicycle use, encouraging clean air by reducing miles driven by providing more residential density in a residential area immediately adjacent to the major arterial of Taylorsville Road, thus supporting premium traffic systems; and

PLAN ELEMENT 4.6– HOUSING

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 6, 7, & 9 of Goal 1 of the Housing Plan Element by providing a variety of housing types in the area, including zero-lot line homes where none exist presently, but still incorporating appropriate single-story buildings with design compatible to the surrounding areas; the zero-lot line homes, with much of the maintenance burden taken by the HOA supports “aging in place” and housing for older, empty-nester adults; the home currently on the property will be moved, preserved, and rehabilitated on the site; and the flexibility in design for the PRD subdivision will promote an adaptive reuse and infill development; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 5, 6, 7, & 9 of Goal 2 of the Housing Plan Element as this diverse housing plan promotes inter-generational, mixed income residents, including older “empty nesters” and younger “millennials” without children; the site is along a major arterial providing proximity to multi-modal transportation; the design and plan provides housing which is in demand in the current residential marketplace with adequate access to employment centers with the direct connection to Taylorsville Road; and it encourages new residential development in an older residential area, while at the same time not causing the residential development to expand into or near industrial type areas; and

WHEREAS, the proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 5, 6, 7, & 12 of Goal 3 of the Housing Plan Element as it reduces the lot size and lines, thereby increasing density over what currently exists on the property, creating more affordable housing choices than currently exist in this area; the development of the site, with lighting and higher density will eliminate the isolation of the current home, thereby likely reducing the likelihood of crime; and the PRD subdivision provides innovative methods for residential development; 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 Plan Elements, Goals, Objectives and Policies of the Cornerstone 2040 Comprehensive Plan;

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

Variance Findings of Fact

Variance of Section 5.3.1.D.1.b and c to allow parking to encroach into the front and rear yards.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this setback is not one intended to address public health, safety or welfare issues but rather aesthetic ones, and they are not affected in this instance in this location; and

WHEREAS, the variance will not alter the essential character of the general vicinity because the parking and maneuvering proposed will not cause a negative impact with the adjoining property owners; and screening and buffering will be preserved and /or provided through plantings or a fence; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because it will not cause any unsafe condition and the impact of the variance will be mitigated through screening and buffering; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount required for the proposed office to fit on the site and provide vehicular maneuvering; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the very small portion of the site in the area requested; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant is providing the minimum number of parking spaces allowed; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is the only potential use of this site at this time;

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

Variance Findings of Fact

Variance of Section 5.3.1.D.1.b&c to allow the rear yards to be less than 25 ft.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this variance is internal to the overall development, having no impact on any other properties; and

WHEREAS, the variance will not alter the essential character of the general vicinity because this variance is internal to the overall development, having no impact on any other properties; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because this variance is internal to the overall development, having no impact on any other properties; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this variance is internal to the overall development, having no impact on any other properties; 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 this variance is internal to the overall development, having no impact on any other properties; and disallowing this variance would render the project impractical; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is internal to the overall development, having no impact on any other properties;

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

Waiver Findings of Fact

Waiver of Section 10.2.4, Table 10.2.3 to omit the LBA required between the OR and the PRD zoning districts

WHEREAS, the waiver will not adversely affect adjacent property owners because the setbacks between uses are internal; and parking will separate the single family homes and the proposed office building, which is being relocated to the front of the site on Taylorsville Road; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Plan Elements and Policies of the Cornerstone 2040 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it is not significant in size, and as set forth on the plan and in the discussion above, mitigation measures are implicit in and over all designed plan; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would otherwise be providing added landscape in an area where it is just as well provided elsewhere, given the nature of this development;

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