

JUSTIFICATION AND STATEMENT OF COMPLIANCE WITH APPLICABLE GOALS,
GUIDELINES, AND POLICIES OF PLAN 2040

Applicant/Owner: Michael Frank and Lauren Frank (f/k/a Lauren Riney)
Location: 100 N Crestmoor Avenue, Louisville, Kentucky 40206
Proposed Use: R-6 Multi-Family Residential
Engineers, Land Planners,
And Landscape Architects: Mindel Scott
Request: Change in Zoning from R-5 Single Family Residential to
R-6 Multi-Family Residential

INTRODUCTION

The N Crestmoor Avenue Rezoning involves the subject property known as 100 N Crestmoor Avenue located at the lot at the corner of Arternburn Avenue and N Crestmoor Avenue within the Reservoir Park Neighborhood in Louisville's Crescent Hill. The size of the lot is 0.295 acres, upon which is situated 1) a one-story house located at the lot's eastern end facing N Crestmoor Avenue and used as the owners' primary residence (approx. 1,203 sq. ft.), and 2) a two-story garage located to the rear of the owners' house on the southern boundary of the lot facing Arternburn Avenue and currently used for the owners' personal use. The Frankfort Avenue commercial corridor is located to the south of the subject property across the railway line. The applicant is respectfully requesting a change in zoning from R-5 Single Family Residential to R-6 Multi-Family Residential so that the applicant may move forward with plans of building a duplex or tri-plex at the southwestern corner of the property for residential use.

PLAN 2040 ELEMENT 1: COMMUNITY FORM

The proposed zoning change conforms to the applicable goals and policies of the Community Form element of Plan 2040 because the site is located in the Traditional Neighborhood Form District and is compliant with the objectives of said district.

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

The proposed zoning change meets the applicable policies set forth in Community Form Goal 1.

Policy 3.1.2 of this Goal describes the Traditional Neighborhood Community Form. The Traditional Neighborhood is "characterized by predominantly residential use" that may contain" sections of lots on which appropriately integrated higher density residential uses may be located." These appropriately integrated uses are "encouraged to be located...near parks and

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open spaces having sufficient carrying capacity”. Moreover, Traditional Neighborhoods “usually have a significant range of housing opportunities, including multi-family dwellings.” New developments in Traditional Neighborhoods require emphasis on, among other things, “(a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods...[and] (c) ...establishing a new grid pattern of street and alleys...”

The proposed development plan is appropriate for the Traditional Neighborhood Form District and consistent with the goals and objectives of Plan 2040 as further outlined in this Goal and the policies herein. Policy 2.1 outlines the contexts from which to evaluate whether the proposed development is appropriate for the neighborhood form district. First, the plan is appropriate for the Traditional Neighborhood because the neighborhood encompasses a wide variety of unique residential housing, houses in the neighborhood do not conform to a single style or model and the applicant proposes the design of the new construction to fit in with the existing structures on the lot and the surrounding structures made for similar use. The proposed development plan is appropriate in intensity and density for the R-6 zone because adequate open space is provided and the density is 16.95 dwelling units per acre, less than 17.42 dwelling units per acre maximum allowed under R-6. The property currently consists of one, and potentially two, dwelling units.¹ The addition of three dwelling units or less would meet or fall below the maximum density for the property under R-6 zoning. The proposed development is also consistent with the Traditional Neighborhood Form District as described in Goal 1 because it seeks to add residential housing to a neighborhood characterized by residential use. Moreover, the proposal site has sufficient open spaces for carrying capacity because it is located on a corner lot and not situated between multiple lots, giving it ample room for residents to access each structure from both N Crestmoor Avenue (for the structure currently sitting on the subject property) and Arterburn Avenue (for the proposed development). Additionally, the proposed development will provide an opportunity for multi-family residential housing while also preserving the existing building in the neighborhood, and aims to maintain the established grid-pattern of street and alleys by paving the alleyway directly behind the lot (and to the extent that paving it will not continue past the subject property’s northern boundary). Therefore, the proposed development plan is appropriate for the Traditional Neighborhood Form District and the neighborhood the property is situated in.

Policy 4 outlines that the proposed development plan should ensure that the new development or redevelopment “are compatible with the scale and site design of nearby existing development and with how desired pattern development within the Form District”, as well as promoted “quality design and building materials...to enhance compatibility.” Here, the applicant seeks to create a design plan for the new development proposal that conforms with existing development plans in the neighborhood in scale and design, to the extent possible given that the neighborhood consists of many unique single and multi-family residential housing buildings that do not conform to a single scale or design type.

¹ The site currently has a primary dwelling unit and a two-story garage that is presently being used for the owners’ personal use. The two-story garage may meet the minimum criteria for a dwelling unit under the Land Development Code in the event the owner stops using the two-story garage for personal use.

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Policy 5 outlines that, because the proposed development will create different zoning and densities from other adjacent residential areas, the proposed plan should provide appropriate transitions between the areas. Policy 9 further outlines that the proposed plan should “ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development” through “landscaped buffer yards...compatible building design and materials...and setback requirements.” Policy 10 also outlines that the plan should “mitigate impacts caused when incompatible developments unavoidably occur adjacent to one another.” The proposed plan meets these guidelines because the transition between uses of the subject property are not substantially different than other surrounding properties since the property’s use remains residential and there are other multi-family residential properties in the neighborhood. Moreover, to the extent that the applicant’s proposal provides for use of the property different than the use of the properties immediately surrounding the subject property, the applicant has agreed to mitigating such by providing appropriate transitions between the areas by constructing the structure in the southwestern corner of the lot away from the primary dwelling unit of his neighbor at 102 N Crestmoor and has agreed to construct a privacy fence alongside the northern property boundary. Moreover, the setback from the shared property line between the proposed development and 102 N Crestmoor is approximately forty feet, which is a distance greater than the width of many of the lots in the neighborhood.

Policy 7 outlines that the proposed plan should “locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The proposed plan meets the guideline because the subject site is located near Frankfort Avenue, a major transit corridor and activity center with existing demand and adequate infrastructure to accommodate higher density residential housing.

Policy 12 outlines that the applicants’ proposed plan should “design parking...areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts” and should “ensure that parking...is adequate and convenient for motorist and does not negatively impact nearby residents or pedestrians.” The applicants’ have collaborated with Transportation Planning on designing the location of the parking spaces, and the design details that the parking spaces for the proposed development are nearest to the adjacent neighboring property at 102 N Crestmoor. The applicants’ plan provides for construction of a privacy fence to mitigate the potential adverse impacts to the neighboring property. The applicants’ plan for parking meets the requirements of the Land Development Code, and the allotted parking spaces will be directly adjacent to the proposed multi-family structure so to minimize walking distance between resident parking and housing.

Community Form Goal 2: Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zoning change meets the applicable policies set forth in Community Form Goal 2.

Policy 9 outline that the proposed plan should “encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.” The proposed zoning

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change meets this guideline because the proposal would re-use an existing structure and provide a new structure for residential use.

Community Form Goal 3: Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

The proposed zoning change meets the applicable policies set forth in Community Form Goal 3.

Policy 10 outlines that the proposal should “encourage new development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.” The proposed zoning change meets this guideline because there are no wet or highly permeable soils, or severe, steep or unstable slopes that are evident nor is there the potential of such indicated on relevant mapping on the site to avoid.

Community Form Goal 4: Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zoning change meets the applicable policies set forth in Community Form Goal 4. Policy 2 outlines that the proposed plan should “encourage preservation of distinctive cultural features including landscapes, natural elements and built features.” The proposed zoning change meets this guideline because all existing buildings on the property will be preserved and maintained. Policy 3 outlines that the proposed plan should also “encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other nation, state or local government historic preservation agencies.” The proposed zoning change meets this guideline because the principal structure is eligible for the National Register of Historic Places, and the proposal seeks to reuse the existing structure and maintain it for residential purposes.

Overall, the proposed development complies with the guidelines set forth in Element 1 of Plan 2040. The changes resulting from the proposed development change does not intend to deviate from the neighborhood’s distinctive qualities, encourages sustainable growth to the existing neighborhood by providing opportunity for residential housing, and does not injure the cultural, environmental or historical aspects of the neighborhood. Therefore, the applicant submits that the proposed zoning change meets Plan 2040’s Community Form element.

PLAN 2040 ELEMENT 2: MOBILITY

The proposed zoning change conforms to the applicable goals and policies of the Mobility element of Plan 2040.

Mobility Goal 1: Implement an accessible system of alternative transportation modes.

The proposed zoning change meets the applicable policies set forth in Mobility Goal 1.

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Policy 1 outlines that the proposal should “provide for movement of pedestrians, bicyclists and transit users, where appropriate, by including: (1.4) sidewalks along the streets of all developments...” The proposed zoning change meets this guideline because the Applicants have agreed to place an additional 200 feet of sidewalk to the existing sidewalk running along Arterburn Avenue, and will be clearing out the overgrown vegetation on the existing sidewalk, thereby providing appropriate channels for pedestrian movement and bicyclists.

Policy 4 outlines that the proposal should “encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development plan and efficient public transportation system.” The proposed zoning change meets this guideline because the site of the proposed zoning change is located across the railway line and within walking or biking distance from the Frankfort Avenue marketplace corridor, an existing and established center for activity and employment opportunities, and will provide further opportunity for housing near this corridor.

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

The proposed zoning change meets the applicable policies set forth in Mobility Goal 2.

Policy 4 outlines that the proposal should “avoid access to development through areas of significantly lower intensity and density development if such access would create significant nuisances.” The proposed zoning change meets this guideline because access to the site would come from Frankfort Avenue, a high intensity and density area, and Arterburn Avenue, which provides access to many other properties located in the neighborhood. Access to the proposed development site from Arterburn Avenue would not create a significant nuisance because Arterburn accommodates access to other properties in the Resevold Park neighborhood, including other R-6 housing, and the addition of providing access to the additional units created by this development would be minimal in light of the many other properties that Arterburn Avenue also provides access to.

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

The proposed zoning change meets the applicable policies set forth in Mobility Goal 3.

Policy 2 outlines that the proposal should “improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities” and should encourage housing near employment centers. The proposed zoning change, in part, meets this guideline because it would permit access to a mixture of compatible land uses, namely those located in the Frankfort Avenue corridor. The Frankfort Avenue corridor is easily accessible by multiple modes of transportation because it is within range for walking or biking and is within walking distance to the TARC stop at the corner of Blackburn Avenue and Frankfort Avenue. Additionally, the proposed development would permit housing near employment centers, namely those located in Frankfort Avenue and Crescent Hill.

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Policy 5 outlines that the proposal should be evaluated “for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. Moreover, Policy 6 outlines that the proposal should “ensure that those who proposed the new developments bear or share a rough proportionality the costs of transportation facilities and services made necessary by development.” Additionally, Policy 9 outlines that “when existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, developers may be asked to make improvements, rough and proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.” Policy 10 also outlines that the proposal should “ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.” Transportation Planning has reviewed the proposal submitted in the Applicants’ preapplication. The proposed zoning change meets the guidelines outlined in Policy 6 because, while Transportation Planning has not, to applicants’ knowledge, mandated adding a speed-bump near the proposed development on Arterburn Avenue, the Applicants have agreed to construct one and work with Transportation Planning on placement of the speed-bump on Arterburn Avenue. Additionally, the proposed zoning change meets the guidelines outlined in Policy 9 because, while Transportation Planning has not outlined inadequacies to existing transportation facilities and services subject to the proposed development, the Applicants’ agree to work with Transportation Planning to eliminate such inadequacies if such arise and make improvements rough and proportional to the projected impact. Moreover, Transportation Planning has discussed with the Applicants the logistics of parking and the addition of parking spaces on the subject property, and Applicants’ development plan conforms to the comments made by Transportation Planning regarding the number of parking spaces, the location of the parking spaces, and the dimensions of each parking space. The Applicant has agreed to make changes to the proposed development plan to conform to further comments made Transportation Planning in the event such arise.

Policy 11 outlines that the proposal should “provide street improvements and/or transit solutions to mitigate the impacts of development and redevelopment” which “may include, but not be limited to...(11.7) addition and/or widening of on-site or off-site sidewalks.” The proposed zoning change meets this guideline because the Applicants intend to add 200 feet of sidewalk to the existing sidewalk on Arterburn Avenue. Moreover, the Applicants’ plan also includes measures to mitigate the potential traffic impacts of redevelopment by adding a speed-bump on Arterburn Avenue.

Policy 21 outlines that the proposal should “prevent safety hazards caused by direct residential access to high speed roadways.” The proposed development plan meets this guideline because it does not involve direct residential access to high speed roadways.

Overall, the proposed development complies with the guidelines set forth in Element 2 of Plan 2040. The changes resulting from the redevelopment of the subject property seeks to implement an accessible system of alternative transportation modes throughout the neighborhood and to the Frankfort Avenue corridor, the proposal plans to maintain a safe, accessible, and efficient transportation system in the neighborhood by providing access to residential housing through a

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residential neighborhood and mitigating potential negative impacts, and encouraging land use and transportation patterns that connect Louisville Metro and support future growth by providing more residential housing in areas with access to alternative channels of transportation to the Frankfort Avenue corridor. Therefore, the Applicants submit that the proposed zoning change meeting Plan 2040's Mobility element.

PLAN 2040 ELEMENT 3: COMMUNITY FACILITIES

The proposed zoning change conforms the applicable goals and policies of the Community Facilities element of Plan 2040.

Community Facilities Goal 1: Ensure community facilities are accessible.

There are no applicable policies for the proposed zoning change in this Goal.

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

The proposed zoning change meets the applicable policies set forth in Goal 2.

Policy 1 outlines that the plan should "locate (the) development in areas served by existing utilities or capable of being served by public or private utility extensions." The proposed development plan meets this guideline because all relevant utilities are and long have been available to this site.

Policy 2 outlines that the plan should, in part, "ensure that all development has an adequate supply of potable water and water for fire-fighting purposes." The Louisville Water Company has reviewed the site plan and has concluded that the Louisville Water Company has adequate infrastructure to supply the development proposed and has no objection to the documents presented in the pre-application. *See Exhibit "A"*. Moreover, there is a water main located at 101 N Crestmoor Avenue to accommodate the proposed development.

Policy 3 outlines that the plan should "ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by Metropolitan Sewer District (MSD)." The proposed development plan meets this guideline because the existing property and other surrounding properties have maintained adequate means to services provided by MSD and because the plan will be reviewed by and required to obtain approval from MSD.

Communities Facilities Goal 3: Design community facilities to be resilient and compatible with the surrounding neighborhood.

There are no applicable policies for the proposed zoning change in this Goal.

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Overall, the proposed development complies with the guidelines set forth in Element 3 of Plan 2040 because all relevant utilities are and long have been available to the site and surrounding properties. Therefore, the Applicants submit that the proposed zoning change meets Plan 2040's Community Facilities element.

PLAN 2040 ELEMENT 4: ECONOMIC DEVELOPMENT

There are no applicable goals or policies for the proposed zoning change in this Element.

PLAN 2040 ELEMENT 5: LIVABILITY

The proposed zoning change conforms to the applicable goals and policies of the Livability element of Plan 2040.

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

Policy 5 outlines that the plan should “encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities...throughout the Louisville Metro.” Moreover, Policy 17 outlines that the plan should “determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater resources, flow patterns, and existing and proposed surface drainage...then mitigate potential hazards to such systems resulting from the project.” Finally, Policy 21 outlines that the proposed plan should “mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.” The proposed development plan meets the guidelines because the subject property is located in a long-established built environment, has no native plant species or communities to incorporate into the design, nor any karst features identified. No impact of groundwater resources or surface drainage is anticipated. Additionally, the subject property is not located in a regulatory floodplain.

Livability Goal 2: Ensure equitable health and safety outcomes for all.

There are no applicable policies for the proposed zoning change in this Goal.

Livability Goal 3: Ensure equitable access to land use planning and policy-making resources.

There are no applicable policies for the proposed zoning change in this Goal.

Livability Goal 4: Integrate sustainability and resilience in community planning processes.

There are no applicable policies for the proposed zoning change in this Goal.

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Overall, the proposed development complies with the applicable guidelines of Element 5 of Plan 2040. Therefore, the Applicants submit that the proposed zoning change meets Plan 2040's Livability element.

PLAN 2040 ELEMENT 6: HOUSING

The proposed zoning change conforms the applicable goals and policies of the Housing element of Plan 2040.

Goal 1: Expand and ensure a diverse range of housing choices.

The proposed zoning change meets the Housing Goal 1 because it provides for, expands, and will ensure a diverse range of housing choices in the area.

Policy 1 outlines that the plan should "encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing" and should "allow for accessory residential structures and apartments" that "reflect the Form District Pattern". Moreover, Policy 2 outlines that the plan should "promote housing options and environments that support aging in place" and should "encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities." Additionally, Policy 3 outlines that the plan should "develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing." Here, the proposed development plan meets each of these guidelines because it provides more opportunity for housing in the area. The plan furthers the policy of encouraging a variety of housing of single and multi-family residential use because it seeks to add a multi-family residential building to the existing property previously used for single family residential use. Moreover, the plan implements the allowance for accessory residential structures and apartments in its design. Additionally, it reflects the pattern of the Traditional Neighborhood Form District and meets the minimum requirements stated in the Land Development Code. Additionally, the proposed development plan promotes housing options and environments for aging in place, as well as encourages older adults and people with disabilities to live close to shopping and transit routes because it provides additional options for residential housing. This includes housing to potentially be utilized by older adults and people with disabilities, as well as the population at large, to be located near Frankfort Avenue and the TARC stop at the corner of Blackburn Avenue and Frankfort Avenue. The plan also allows for the development of both affordable and physically accessible housing.

Goal 2: Facilitate the development of connected, mixed-use neighborhoods.

The proposed zoning change meets Housing Goal 2 because it further facilitates the development of connected, mixed-use neighborhoods.

Policy 1 outlines that the plan should "encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area." The proposed

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development plan meets this guideline because it allows for and proposes an inter-generational, mixed-income development, being the multi-family residential building, that will be connected to the neighborhood and surrounding area.

Policy 2 outlines that the plan should “locate housing within proximity to multimodal transportation corridors providing safe and convenience access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The proposed development plan meets this requirement because it would permit additional housing units placed near Frankfort Avenue, a multi-modal transportation and marketplace corridor.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

The proposed zoning change meets Housing Goal 3 because it provides long-term affordability and livable options in the subject property’s neighborhood through developing permanent multi-family housing while preserving other dwelling units on the subject property.

Policy 1 outlines that the plan should “encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs through Louisville Metro.” Policy 2 further states that “as neighborhoods evolve...displacement of existing residents from their community” should be discouraged.” The proposed development plan meets these guidelines because it will create multiple types of housing – both single-family and multi-family structures – on the subject property providing a variety of options for housing options and costs. Moreover, it will not displace existing residence from their communities because the development does not remove any existing dwelling units and only adds multi-family housing units to a vacant space.

Policy 3 outlines that the plan should “encourage innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase production of fair and affordable housing.” The proposed development plan meets this guideline by clustering (potentially) three different styles of residential housing on a single lot thereby providing different options of fair and affordable types of housing.

Policy 4 outlines that the plan should also “provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing.” The proposed development plan meets this guideline because it will provide at least two affordable housing opportunities in the neighborhood.

Policy 5 outlines that the plan should “promote and encourage the inclusion of design features that make housing safer and/or are known to reduce crime.” The proposed development associated with the applicants’ change in zoning application will provide appropriate measures to promote design features to make safer housing and safer neighborhood, including appropriate lighting around the building and near building entrances and exits, as well as fencing between the subject property and the neighboring property.

Overall, the proposed development complies with the applicable guidelines of Element 6 of Plan 2040. Therefore, the Applicants submit that the proposed zoning change meets Plan 2040’s Housing element.

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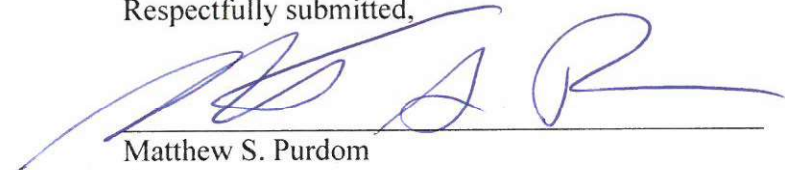
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CONCLUSION

Overall, for the reasons outlined above, the applicants' proposed development plan subject to their change of zoning application is compliant with the applicable elements, goals, and policies of Plan 2040.


Pursuant thereto, the applicants' respectfully requests this body to grant its proposed application for change in zoning to the subject property from R-5 Single Family Residential to R-6 Multi-Family Residential.

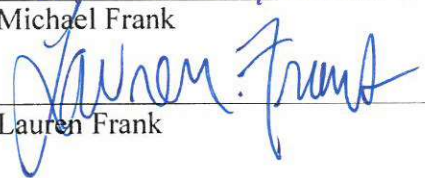
Respectfully submitted,



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