

ZONING JUSTIFICATION STATEMENT
**CHANGE IN ZONING FROM R-4 RESIDENTIAL TO R-6 MULTI-FAMILY
RESIDENTIAL AND C-2 COMMERCIAL
ALSO CHANGE IN ZONING FROM C-1 COMMERCIAL
TO C-2 COMMERCIAL
CHANGE IN FORM DISTRICT BOUNDARY AND
PROPOSAL FOR STREET CLOSINGS
RIVER POINTE APARTMENTS
12517 OLD DIXIE HIGHWAY;
12311 & 12495 OLD DIXIE HIGHWAY
AND 12503 DIXIE HIGHWAY.
CASE NO. 17-ZONE-1079**

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A change in zoning from the current R-4 residential single family to R-6 residential multi-family is requested to permit the applicant, RWD Properties, LLC to develop an upscale apartment community on the property located at 12311, 12495, and 12517 Old Dixie Highway along with the current owner, Bob and Janet Beatty, applying for a change in zoning from C-1 commercial to C-2 commercial. The proposed development consists of 256 apartments along with a clubhouse in approximately 20 buildings with parking provided on site with a recreational area, green space and adequate lighting and buffering in accordance with all applicable requirements. The proposed development is located in Council District 14, and for reasons stated herein, the proposed change in zoning and the requested street closures complies with Cornerstone 2020 Comprehensive Plan (“Cornerstone 2020”) and, therefore, should be approved.

**GUIDELINE 1
COMMUNITY FORUM**

The subject property is located on the east side of Dixie Highway approximately 1.5 miles south of I-265 (The Gene Snyder Freeway) on approximately 36.938 acres with proposed development of 17.87 acres with multi-family residential apartments and approximately 4 acres proposed with commercial uses which abut Dixie Highway. The remainder of the property is proposed to be held for future development to compliment the proposed apartments and commercial lots.

All of the proposed development, except for the approximate 4 acres, is currently zoned C-4. The R-4 properties are located within the Neighborhood Form District with the approximate 4 acres located within the Suburban Marketplace Corridor Form District.

The proposed R-6 zoning complies with guideline 1 of Cornerstone 2020 because it will take a currently vacant and blighted property and re-develop it into an upscale multi-family residential community that is a more appropriate use in the neighborhood form district. Guideline 1 encourages different types of housing within the Neighborhood Form District and the proposed development will be compatible with the nearby land uses which are commercial and higher density residential in the Dixie

Highway area. Guideline 1 encourages open space and street connectivity to existing neighborhoods and the proposed development will include, not only recreational space but open green space among the planned apartment buildings along with an apartment clubhouse promoting a small scale civic center within the apartment complex with the street layout of the development to encourage walking traffic for the residents to interact with the rest of the neighborhood. ...For the foregoing reasons, the proposed change in zoning to R-6 and C-2 complies with Guideline 1 of Cornerstone 2020.

The proposed re-zoning of the C-1 and small portion of the R-4 property all to C-2 in the two, 2 acre, tracts that abut Dixie Highway complies with Guideline 1 of Cornerstone 2020 with the guidelines encouraging connectivity to nearby uses and the two commercial lots will be connected to the apartment complex to encourage the residents to either walk or bike to the commercial properties. The proposed C-2 commercial lots will be designed with common buffering to set out the commercial lots from the multi-family apartments. Guideline 1 concerning the Suburban Marketplace Corridor Form District encourages non-residential uses along a major corridor and in this case the two lots will abut and be fronted on Dixie Highway and currently these two properties are mostly already zoned commercial which the proposed use by this developer is to re-use these locations for commercial and a very small change in the boundaries would not be considered a major or any type of expansion, which all is encouraged by Guideline 1 under the Suburban Marketplace Corridor Form District. ...For the foregoing reasons, the proposed development complies with Guideline 1 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

GUIDELINE 2 CENTERS

Guideline 2 of Cornerstone 2020 encourages the mixed use of land and to provide and opportunity for a mixture of residential development that includes housing types, neighborhood centers, and to encourage commercial re-vitalization in re-developing areas. The proposed development of the two commercial lots and the slight change in the boundary to the Suburban Marketplace Corridor Form District complies with Guideline 2, in that it encourages mixed land uses in the form district and the two commercial lots will act as a semi-activity center on Dixie Highway and within a non-traditional residential area. The two commercial lots will be approximately 2 acres each and will provide for adequate parking for the use on those commercial properties with the two commercial properties being appropriately placed and designed with the scale of the two properties to ensure compatibility with the nearby residences which is all set out in the applicants' plan to allow the apartment residents easy access and interaction with the two commercial properties which will abut each other. ...For all of the afore mentioned reasons, the proposed development complies with Guideline 2 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

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GUIDELINE 3 COMPATIBILITY

The subject property is located in an area that consists of a mixture of commercial, office, and residential uses on the south Dixie Highway corridor. The subject property is bounded to the east by Paducah and Louisville Railroad and to the west by Dixie Highway. North and south of the properties are a mixture of residential and commercial properties with the proposed two commercial lots being near commercial uses up and down Dixie Highway. The proposed R-6 properties are set back off of Dixie Highway and separated by the two proposed C-2 properties and the proposed development complies with Guideline 3 of Cornerstone 2020 and the goals in both the Neighborhood Form District and the Suburban Marketplace Form District. The proposed development preserves the character of the existing neighborhoods in its request for the multi-family development on property off and behind the commercial two properties. The proposed two commercial properties that lie on Dixie Highway will separating the two proposed uses (R-6 multi-family apartments and the two, C-2 commercial properties). The proposed development also complies with Guideline 3 of Cornerstone 2020 because the building material that will be used to construct the apartments will be residential in nature and compliant with the specified land development code. The proposed development will mitigate adverse impacts of traffic by repositioning the entrance ways and completing the street closures that are proposed. The buffering of the commercial properties out front on Dixie Highway from the proposed residential development should have noise mitigation and the lighting will be separated between residential type lighting in the apartment complex with the commercial lighting designation of the two commercial lots out front on Dixie Highway. The apartment complex will be set back and off of Dixie Highway to protect the character of the residential area.

There will be consideration in the apartment complex for people with disabilities in the way the apartments are designed and the accessibility to the new development will be appropriate and compliant with Guideline 3 with the new road configuration and access points on Dixie Highway for the apartment complex as well as the two C-2 proposed commercial properties. The building heights of the proposed apartment complex will be no more than 2 stories and the setbacks will be compliant as well as the buffering and the lighting for both the proposed R-6 and C-2 properties. The signage for the proposed R- 6 apartments will be minimal and out near the entry with any commercial signage only located on the proposed C-2 commercial lots. ...For the aforementioned reasons, the proposed development complies with Guideline 3 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

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**GUIDELINE 4
OPEN SPACE**

Guideline 4 of Cornerstone 2020 is intended to promote the creation of well-designed, permanently protected open spaces that meet community needs and enhance the quality of life in Jefferson County through accessible and functional open space. The proposed R-6 apartments have a planned recreational area and open spaces for the development and green space will be provided in and around each building of the proposed apartment complex. There will be buffered fencing and landscaping between the two proposed C-2 commercial lots and the apartment complex as well as buffering between the proposed R-6 apartment complex and the adjoining property owners. The proposed development will encourage open space and recreational needs of the proposed community and the owners of the apartment complex will maintain the open space and provide a continuing maintenance of these areas. The proposed two C-2 commercial properties are ample in size at 2 acres per lot, which will provide expansive adequate parking for the two individual commercial usages with the entry to the apartment complex and the landscaping around said entry splitting the two proposed C-2 properties dividing them with the landscaped and buffered entryway to the apartments. ...For the aforementioned reasons, the proposed development complies with Guideline 4 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

**GUIDELINE 5
NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

Guideline 5 of Cornerstone 2020 is intended to help ensure that new developments protect the natural areas and features of important scenic and historic resources. The proposed development respects the natural features of the site through sensitive site design which will avoid substantial changes to the topography, and minimizes land disturbance and environmental degradation. The proposed development will utilize the low area in the acreage of the development for a proposed detention basin which will preserve the water flow and drainage of the development and the surrounding properties. The proposed development will comply with all of MSD's requirements and will be finished with landscaping and grasses to preserve slopes and eliminate erosion upon completion of the development.

There are no archaeological sites located on the proposed development and the slope and topography of the proposed development does not inherently change the existing drainage of the property and the surrounding property owners, therefore the proposed development will not adversely affect the natural areas and features of the proposed site and the surrounding properties. ...Accordingly, the proposed development meets Guideline 5 Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

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**GUIDELINE 6
ECONOMIC GROWTH AND SUSTAINABILITY**

The subject property is located in both the Neighborhood Form District and the Suburban Marketplace Corridor Form District with the existing R-4 and C-1 zoning. The proposed zoning change from R-4 to R-6 and the proposed change in zoning of the C-1 and small portion of the R-4 properties to the two C-2 commercial properties abutting Dixie Highway will provide a positive culture for attracting and sustaining businesses within Jefferson County. The intent of Guideline 6 is to ensure the availability of necessary usable land to facilitate commercial and residential development, as well as ensuring that regional skilled work places and industrial land uses have access to people, goods and services and these elements are at the core of the proposed development.

The proposed development of apartments and two commercially zoned lots on Dixie Highway will preserve work places, and utilize vacant land to locate residential and commercial activity. Therefore, the proposed development will greatly enhance economic growth and sustainability to the south Dixie Highway corridor and this type of development is very much needed in the area for the economic growth of the surrounding businesses as well as enhancing the aesthetic areas along the south Dixie Highway corridor. ...Accordingly and because the proposed development will bring in residential homes and people to promote economic growth, it also will make the area more sustainable for other businesses in the area and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

**GUIDELINES 7, 8 & 9
CIRCULATION, TRANSPORTATION FACILITY DESIGN, AND BICYCLE,
PEDESTRIAN TRANSIT**

The subject site is located on Dixie Highway, a major arterial street, near the intersection of Orell Road and Old Dixie Highway, which is considered a minor arterial street. As a result, the surrounding roadways have adequate carrying capacity for the traffic that will be generated by the development. Additional right of way is proposed to be dedicated along Dixie Highway to accommodate the activity and traffic of the proposed development and the entrance to the development are designed to ensure the safe and efficient movement of pedestrians and vehicles without causing a nuisance to adjacent property owners. Sufficient vehicle parking spaces, including handicapped spaces required by the ADA, are provided on site. Parking is located primarily to the sides and front of the buildings in conformance with traditional form district standards. Bicycle parking will be provided on site in accordance with the land development code. The sidewalks along the interior roads of the development are planned for a walking area for the residents and pedestrian connections will be provided from the said new sidewalks to the two proposed C-2 commercial properties on Dixie Highway. In addition, the subject property is located along a TARC route, ensuring an adequate level of public transit service. Accordingly, the proposal accommodates all modes of transportation by providing for the moving of pedestrians, bicycles, vehicles and transit users to and

through the development. There will be adequate pedestrian, bicycle and transit service, and the subject site is located where the transportation infrastructure exists to ensure the safe and efficient movement of people and goods. ...For the foregoing reasons, the proposal complies with Guidelines 7, 8 & 9 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and the small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form district boundary as well as the proposed street closure should all be approved.

**GUIDELINES 10 AND 11
FLOODING, STORMWATER AND WATER QUALITY**

The subject site is located on the south Dixie Highway corridor and the proposed plan includes the topography to be changed so that a detention basin will collect any major runoff so that the existing drainage areas will not be overtaxed or inundated. The proposed development will comply with all MSD requirements and the proposed development is located on a site that will enable proper storm water handling and release management that will not adversely affect adjacent and downstream properties. The large open space areas around the development as well as the green infrastructure measures that will be incorporated into the development will provide water quality benefits by treating storm water runoff before it enters the existing drainage areas. Currently this site is nearly 100% impervious and the addition of landscape islands, bio-cells and other open space significantly improve storm water maintenance on the site. Further, the proposed development minimizes impervious areas by providing the parking near the buildings, green space and proper drainage in and around the buildings through the proposed development into a collector system designed with a detention basin for absorbing rains. Finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices, as required by the Metropolitan Sewer District. ...Accordingly, the proposed development complies with Guidelines 10 and 11 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

**GUIDELINE 12
AIR QUALITY**

The proposed development complies with Guideline 12 of Cornerstone 2020 because the proposal represents efficient land use pattern and utilizes current traffic patterns. The site is located along a TARC route and the proposed development will promote a reduction in commuting time for the residents. The developers are proposing that the two C-2 commercial lots on Dixie Highway will be utilized by light commercial use such as a small grocery store or convenience store that the residents of the apartment complex can use, therefore mitigating or eliminating some driving to and from for some basic needs for the surrounding residents. ...Based on the foregoing, the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight

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change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

**GUIDELINE 13
LANDSCAPE CHARACTER**

Guideline 13 of Cornerstone 2020 is intended to protect and link urban woodland fragments in conjunction with greenways, planning, promote tree canopy as a resource, enhance visual quality and to buffer incompatible land uses. The proposed rezoning complies with guideline 13 because tree canopy will be provided in accordance with the land development code. The vegetative buffer that will be preserved and enhanced along the adjacent property owners and the boundary line between the proposed C-2 commercial lots and at the entryway out to Dixie Highway between the two C-2 commercial lots, along with the general landscaping of the recreational and open spaces in the apartment complex will not only serve to buffer the proposed development from surrounding properties but will also preserve a natural greenway corridor that can provide habitat areas for and allow for wildlife migration. In addition, native plant species will be utilized in the landscape design. Street trees will be planted along the development and inside the interior roads of the apartment complex to enhance the streetscape, and significant interior landscaping will be installed throughout the site and in the vehicular use areas, which will enhance the buildings, break up the parking areas, and enhance the overall visual quality of the development. Finally, outdoor signage and lighting will comply with the land development code and will be compatible with the surrounding area both on the proposed R-6 apartment complex and the C-2 commercial properties. ...Therefore, the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.


**GUIDELINES 14 AND 15
INFRASTRUCTURE AND COMMUNITY FACILITIES**

The proposed development complies with Guidelines 14 and 15 of Cornerstone 2020 because the subject property is served by an existing infrastructure and all necessary utilities, including water, electricity, telephone and cable. To the extent possible, the utilities will be located within common easements and trenches; the development also has an adequate supply of potable water and water for fire fighting purposes and is served by the Louisville Fire Department. The design of the proposed development will not detract from the residential character of the immediate neighborhood, nor the commercial character of the immediate neighborhood because the proposed development now exists in both the Neighborhood Form District and the Suburban Marketplace Corridor Form District. The design of the development will provide for adequate fire protection along with emergency services and police security within the development. ...For all of the above reasons, the proposed development complies with Guidelines 14 and 15 of Cornerstone 2020 and the requested zoning change from R-4 to R-6 and C-1 and small portion of R-4 to C-2, along with the slight change in the Suburban Marketplace Corridor Form District boundary as well as the proposed street closure should all be approved.

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COMPLAINCE WITH KRS 100.213

In addition to compliance with all applicable Guidelines of the Cornerstone 2020 Comprehensive Plan, the proposed development complies with KRS 100.213 in as much as the existing R-4 residential and C-1 commercial zoning classification is appropriate as well as the proposed R-6 and C-2 multi-family residential zoning. The property is located in the Neighborhood Form District which is intended for predominately residential uses as well as some neighborhood servicing commercial and office uses and part of the proposed development for the C-2 commercial lots are all compliant with KRS 100.213. Therefore, the proposed rezoning to R-6 and C-2, the slight change in the Suburban Marketplace Corridor Form District, and the proposed street closure should be approved to allow this vacant site on south Dixie Highway to be re-developed into an apartment community and two C-2 commercial lots on Dixie Highway, all which will add a much needed positive economic impact to the south Dixie Highway corridor.


Daniel L Senn, attorney 2-12-18

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STREET CLOSURE JUSTIFICATION STATEMENT

**12503 DIXIE HIGHWAY
RIVER POINTE APARTMENTS
CASE NO. 17-ZONE-1079**

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MOBILITY STRATEGY

The applicant, RWD Properties, LLC, is requesting a street closure of part of Old Dixie Highway near the intersection of Dixie Highway and Old Dixie Highway and closure of a section of East Orell Road both requested closures border and are part of the request for a zoning change for the 256 proposed apartments and two C-2 commercial tracts located at 12053 Dixie Highway, 12517 Old Dixie Highway, 12495 Old Dixie Highway and 12311 Old Dixie Highway.

The subject property is located in the Neighborhood Form District and pursuant to goals and objectives for a mobility strategy, the Cornerstone 2020 Comprehensive Land Use Plan sets out goals to provide safe, economical, accessible and efficient systems for transporting people and goods that is consistent with the community form. The comprehensive plan also encourages the development of public transit systems that increases personal mobility, travel choices and conserves energy resources, preserves air quality and fosters economic growth. The plan also encourages the maintenance of a roadway network that benefits residents and the businesses community of Jefferson County, recognizing that the automobile is the primary mode of transportation in the county.

MOVING PEOPLE AND GOODS

The applicants proposed closure of the section of Old Dixie Highway that runs off of Dixie Highway is a section of the old highway that was by passed when the new Dixie Highway was constructed. The intersection proposed to be eliminated is a cumbersome approach for those on the Old Dixie Highway traveling south to Dixie Highway and making a right hand turn going north on Dixie Highway is almost a 180 degree turn and the intersection seems to beg for an update and a new approach for the safety of the residents and travelers up and down the highway. The proposed closing of the short section of Old Dixie Highway would eliminate the cumbersome intersection and with the applicants proposed entryway to the apartment development and the recognition of west Orell Road tying into the Old Dixie Highway after the proposed closure will clean up the intersections on Dixie Highway and promote a more conducive left and right hand turn coming out of the residential areas that all lay to the east of Dixie Highway. The west Orell Road connector to Dixie Highway, which is a 90 degree approach to Dixie Highway would then become the route for all of those traveling down Old Dixie Highway to Dixie Highway from the area.

The same analysis applies to the applicants proposed request to close a short section of east Orell Road which also ties into Old Dixie Highway at an odd angle and by closing the small section of Old Dixie Highway and the small section of east Orell Road it would enhance the applicants development to promote economic growth by way of utilizing the property in a more efficient way. After the proposed two street closures, the thoroughfare traffic coming off of east Orell Road down to Old Dixie highway will service the residents and businesses east of Dixie Highway better, as to a safe congestion management objective. Congestion management is a goal of the comprehensive plan and development that supports the adaptation and implementation of an effective congestion management strategy to focus resources on improving the transportation system and reduce roadway congestion is a goal of Cornerstone 2020.

LAND USE AND TRANSPORTATION CONNECTION

By closing the small section of Dixie Highway and the small section of east Orell Road, not only does it enhance the applicants' development it also makes for proper lot sizes and plots for future development. These closures also make the intersections with the busy Dixie Highway at a much better and safer angle to where travelers up and down Dixie Highway would be less at risk than the existing intersections. After the closures the flow of traffic would be less cumbersome and more appropriate to the goals of the comprehensive plan at west Orell Road and Dixie Highway and at east Orell Road and Old Dixie Highway. The applicant/developer, by repaving sections of where the Old Dixie Highway is closed for an entry to one of the C-2 proposed commercial lots and the addition of the entryway off of Dixie Highway to the apartment complex gives not only the residents of the proposed development better angles and traffic patterns in which to serve the community, it also enhances the existing residences and businesses that all live and operate east of Dixie Highway.

BICYCLE AND PEDESTRIANS


Cornerstone 2020 also encourages easy access for commuters and sets standards for alternative transportation modes for the residents and business owners of Jefferson County. The applicants proposal to close the small sections of Old Dixie Highway and the small section of east Orell Road would provide vehicular and pedestrian connections that about the new proposed site of the apartments and the two C-2 commercial lots that will accommodate safer and various modes of transportation. The applicant intends to create an inner street in the apartment complex that will be accessible off of Dixie Highway at a safer intersection. Inside the development and along the Old Dixie Highway sections that will remain open, the closures would be more conducive to bicycle traffic and pedestrian traffic to the commercial businesses on Dixie Highway. The proposed street closures would set up better access to the busy Dixie Highway thereby making it safe for the existing residents and business owners east of Dixie Highway as well as the new residents of the proposed apartment complex.

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CONCLUSION

The two proposed street closures would enhance the goals and objectives of the Cornerstone 2020 comprehensive plan by enhancing the movement of people and goods in the south Dixie Highway area and manage the connections better by eliminating the odd angled intersections at Old Dixie Highway and Dixie Highway and at east Orell Road and the Old Dixie Highway. The proposed street closures would encourage development of a mobility system that should achieve and maintain a high level of environmental quality as well as encourage the development of the mobility system in Jefferson County which will safeguard cultural resources and neighborhoods for adequate access opportunities for all residents of Jefferson County. For the foregoing reasons, the two proposed street closures of the short section of Old Dixie Highway and the short section of east Orell Road should be approved and completed.

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