

ORDINANCE NO. \_\_\_\_\_, SERIES 2018

**AN ORDINANCE DENYING THE CHANGE IN ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 7500 BARDSTOWN ROAD CONTAINING 6.475 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1060)(AS AMENDED).**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

**WHEREAS**, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the lack of a recommendation of the Planning Commission ~~and its staff~~ as set out in the minutes and records of the Planning Commission in Case No. 17ZONE1060; and

**WHEREAS**, the Council, based upon its review of the Planning Commission record for the zoning change in Case No. 17ZONE1060, ~~makes its own~~ adopts the Planning and Design staff's proposed findings of fact in the absence of a recommendation ~~offrom~~ the Planning Commission as set out in said minutes and records;

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the property located at 7500 Bardstown Road containing 6.475 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 17ZONE1060, is hereby retained as R-4 Residential Single Family and the requested change to C-2 Commercial is denied based upon the following findings of fact:

1. The Comprehensive Plan, as well as the Retail Market Study and Southeast Regional Center Plan, call for a neighborhood center. The proposed development is primarily being developed for a solitary user that does not provide neighborhood goods

and services. The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public.

2. The proposal is currently located within the Neighborhood Form District; however, the Southeast Regional Center Plan calls for the creation of a regional center form district, and site specific recommendations of the Retail Market Study call for a Town Center-like “super-community center” development including a mix of “shops, restaurants, offices and services as well as some residential uses” with an anchor tenant.

3. The site is dominated by the structural footprint of a solitary user and occupies viable land for future mixed-use development as recommended by small area studies adopted for the area.

4. The proposal calls for two users, with one dominating the majority of the area. Mini-warehouse facilities do not produce functional interaction with multi-modal users or create a sense of place.

5. The proposal does not create a center as recommended by the small area studies adopted for the area and a single story design sprawls the development site with no amenities.

6. The proposal provides a private roadway to facilitate future development to the rear of the subject site away from Bardstown Road. The ideal condition would be to have the proposed use at the very rear of the development and mixed-use along the frontage with an anchor tenant as suggested by the Retail Market Study.

7. The proposal does not encourage multi-modal access and access by vehicle is limited due to a future proposed median that would restrict access to the site from the south via Bardstown Road without passing the site first to find an alternative route.

Further, Wingfield Road is being realigned and a signalized intersection will be provided. Any future development on this subject site should integrate into the intersection.

8. Traffic problems may result from the proposed development as a median that would restrict access to the site from the south via Bardstown Road without passing the site first to find an alternative route. Further, Wingfield Road is being realigned and a signalized intersection will be provided. Any future development on this subject site should integrate into the intersection.

9. The proposal does not provide open space to meet the needs of the community as site specific guidelines call for the integration of smart growth principles on this particular site which would include public space and walkable areas.

10. The proposed use is not for retail commercial and would be better suited in an area of existing development away from viable land for potential mixed-use development as called for in adopted small area plans.

11. The use is auto-centric and does not promote mass transit, bicycle, and pedestrian use.

12. The proposal's transportation facilities are not compatible with surrounding uses as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south. The proposal does provide for a private road to facilitate future development but this does not compensate for the above-noted concerns.

13. The development does not provide for appropriate linkages between activity areas in and adjacent to the development as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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H. Stephen Ott  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

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