

# Docket No. 22-ZONE-0065 & 22-STRCLOSURE-0022

Zone Change from R-5 to R-6 to allow an 8-unit townhome style community and closure of an unimproved unnamed alley on property located at 205 & 207 Meridian Avenue

---

c/o Dan & Cheryl Fultz

# Index

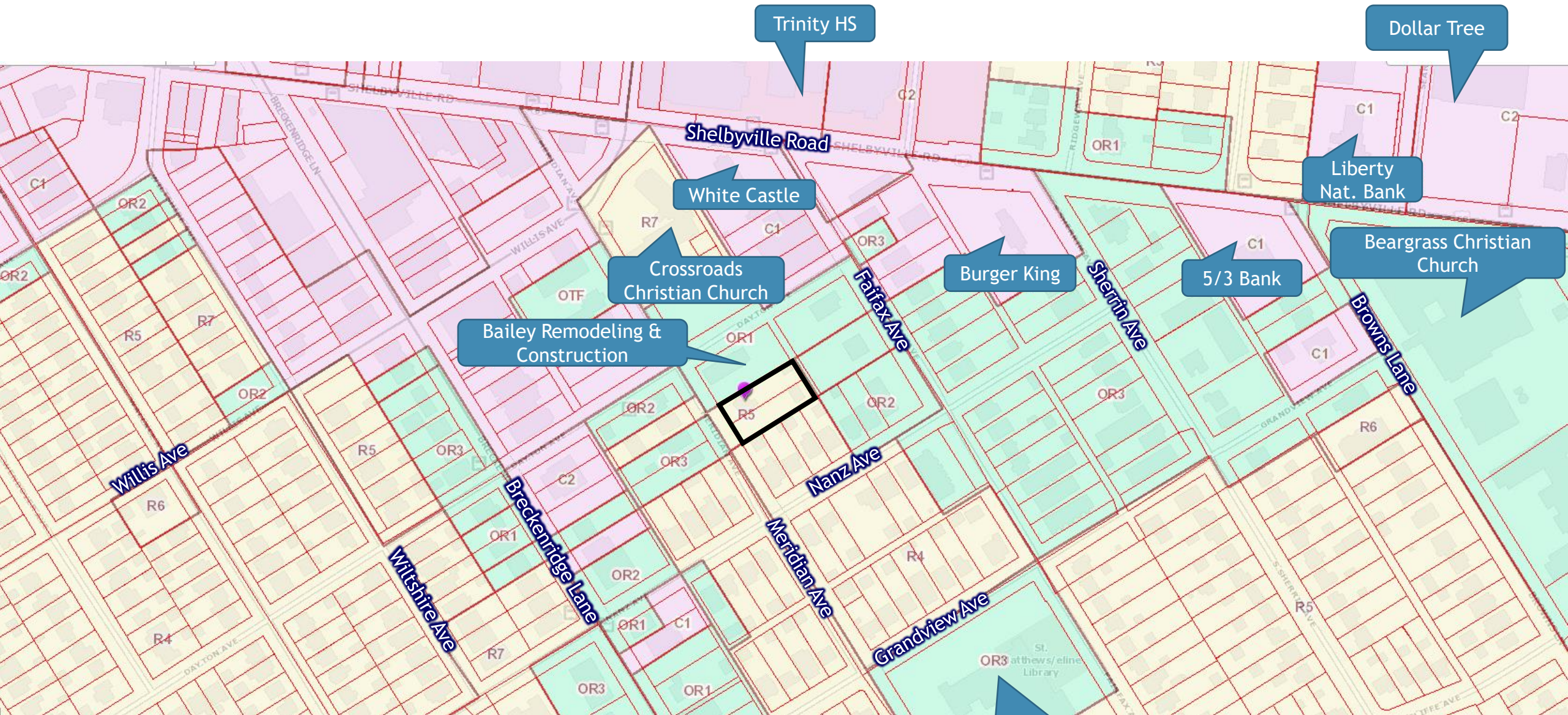
---

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification
8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

Tab 1  
LOJIC Zoning Map

---





Trinity HS

Dollar Tree

Shelbyville Road

White Castle

Liberty Nat. Bank

Crossroads Christian Church

Burger King

5/3 Bank

Beargrass Christian Church

Bailey Remodeling & Construction



Willis Ave

Fairfax Ave

Sherin Ave

Browns Lane

Wiltshire Ave

Breckenridge Lane

Meridian Ave

Nanz Ave

Grandview Ave

St. Matthews/Eline Library



Tab 2

Aerial photograph of the  
site and surrounding area

---





Fleet Feet

Drake's

Trinity HS

Dollar Tree

Shelbyville Road

White Castle

St. Matthew's Animal Clinic

Liberty Nat. Bank

Nanz & Kraft

Crossroads Christian Church

Taziki's Cafe

Burger King

5/3 Bank

Beargrass Christian Church

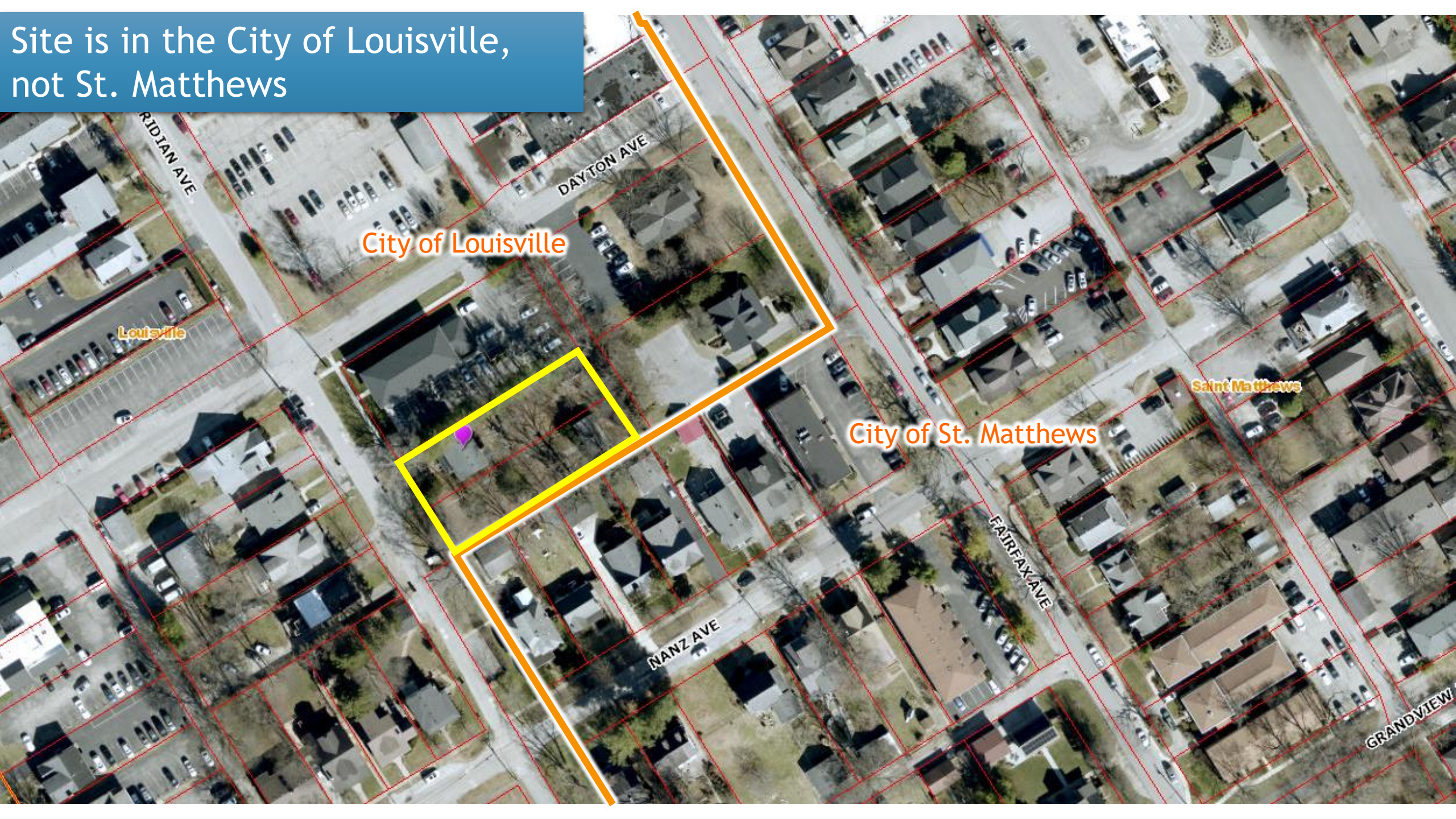
Pearson Funeral Home

Pilate Village Bailey Remodeling & Construction

St. Matthews/Eline Library



Site is in the City of Louisville,  
not St. Matthews



City of Louisville

City of St. Matthews

Louisville

Saint Matthews

RIDIAN AVE

DAYTON AVE

WANZ AVE

FAIRFAX AVE

GRANDVIEW



Tab 3  
Ground level photographs of  
the site and surrounding area

---





View of site from Meridian Ave.





**SITE**

View of Meridian Ave Looking south. Site is to the left.





**SITE**

View of Meridian Ave looking north. Site is to the right.





View of neighbors across Meridian Ave.



## Tab 4

Neighborhood Meeting notice  
list map, letter to neighbors  
inviting them to the meeting  
and summary of meeting

---

Adjoining property owner notice list map wherein 57 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



**205 & 207 Meridian Ave.**



0 100 200ft

3/4/2022, 4:23:26 PM



Louisville Metro, MSD, LWC & PVA © 2022

This map is not a legal document and should only be used for general reference and identification.



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

Paul B. Whitty  
Email: [PAUL@BARDLAW.NET](mailto:PAUL@BARDLAW.NET)  
Phone: (502) 459-2001

April 11, 2022

RE: Proposed zone change from R-5 to R-6 to allow an 8-unit townhome style apartment community on property located at 205 & 207 Meridian Avenue

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow an 8-unit townhome style apartment community on approximately .46 acres on the above referenced property.

Accordingly, we have filed a preliminary plan for review with the Division of Planning and Design Services (DPDS) that has been assigned case number **22-ZONEPA-0048** and case manager, **Dante St. Germain**. We would like present this plan to you so that we might hear what thoughts you may have.

In that regard, an in-person meeting will be held on **Monday, April 25, 2022** beginning at **6:00 p.m.** at the **St. Matthews Eline Library** located at **3940 Grandview Avenue, Louisville, KY 40207**.

If you are unable to attend the meeting, or have any questions or comments, please feel free to contact me at the phone number/email listed above or contact the case manager, Dante St. Germain.

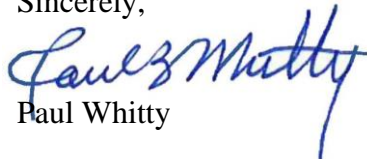
Phone: (502) 574-4388

Email: [Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)

Mailing Address: Planning & Design Services, 444 S. 5<sup>th</sup> Street, Louisville, KY 40202

We look forward to seeing you.

Sincerely,



Paul Whitty

cc: Hon. Bill Hollander, Councilman, District 9  
Dante St. Germain, case manager with Louisville Metro Planning and Design Services  
Dan & Cheryl Fultz, applicant  
Mike Hill, land planner and engineer with Land Design & Development, Inc.

## NEIGHBORHOOD MEETING SUMMARY: 22-ZONEPA-0048; 205 & 207 Meridian Avenue

The duly noticed neighborhood meeting was held in person at 6 p.m. on Monday, April 25, 2022, at the St. Matthews Library. There were eight persons in attendance as well as the Applicant, Dan Fultz, Land Planner, Mike Hill of Land Design and Development and Legal Counsel, Paul Whitty of Bardenwerper, Talbott & Roberts. Mr. Whitty gave a Power Point presentation describing the project and explaining the rezoning process, providing contact information for DPDS and the Applicant's representatives. Slides showing the LOJIC maps with area zoning and land uses as well as a site plan and building renderings. Questions were asked regarding parking, trees, sewage, drainage, sale or rental plans, bedroom mix and rental rates.

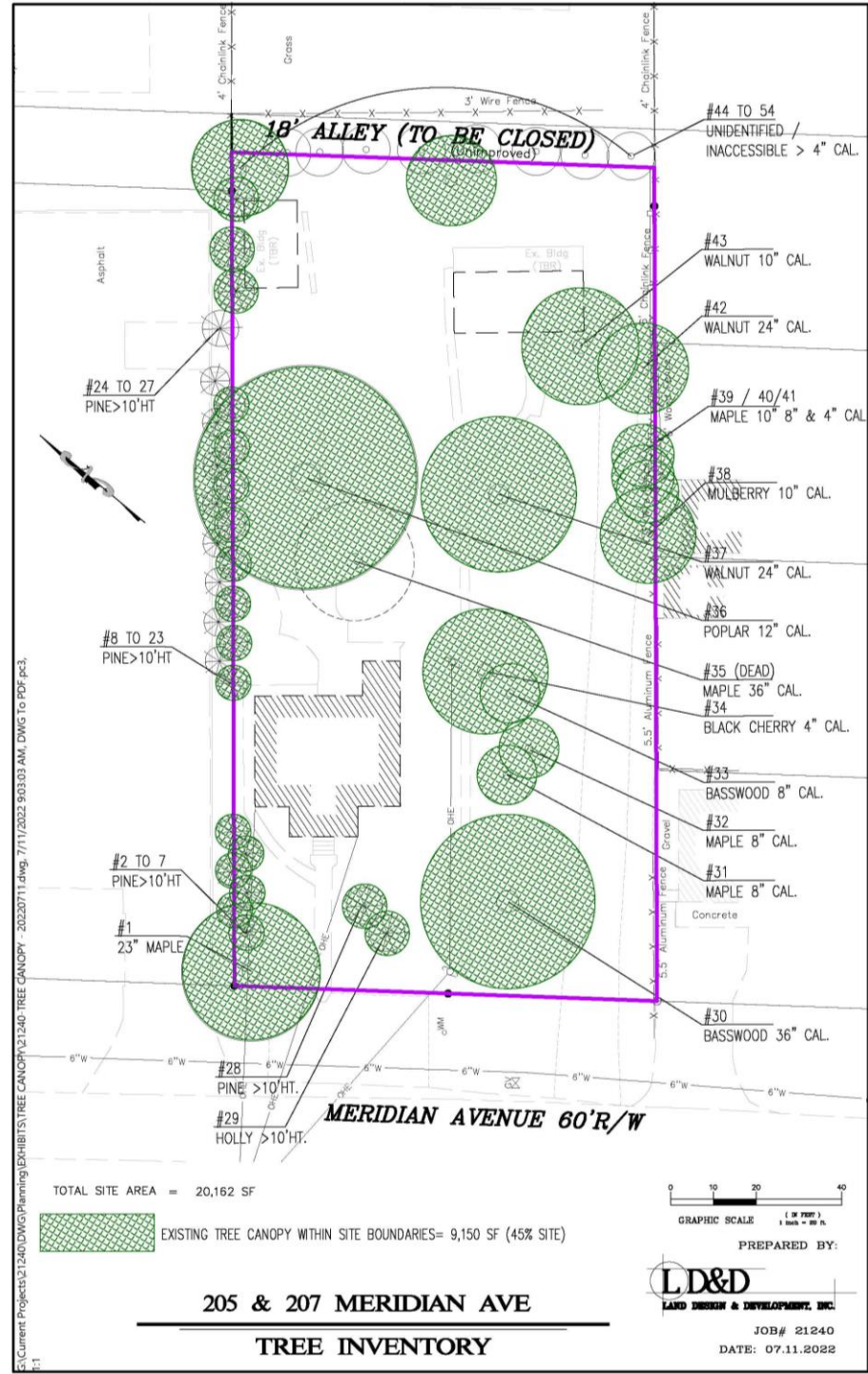
It was explained that the regulations do not require any parking for this project although ten parking spaces will be provided. There is no provision for overflow parking and that if prospective tenants want to entertain, they will likely not choose this location. As many trees as possible will be preserved particularly along the west property line. A tree assessment will be undertaken to ensure that the resultant tree canopy is compliant with the LDC. Sewer lines run along the rear alley which will be connected to the buildings and MSD will likely require a larger pipe than currently exists to ensure capacity. Stormwater will be collected in central catch basin and directed to the storm sewers along Meridian Avenue. The units will be 6, 2-bedroom units renting for approximately \$2,000 per month and 2, 1- bedroom units renting for approximately \$1,200 per month. The unbuilt alley closure was explained and would result in a reversion of 9' each to the adjoining property owners and this would increase the buffering and make the properties more secure. It was explained that one of the two houses would be retained (207 Meridian) as part of the project the other (205 Meridian) will be demolished to construct two one-bedroom units. After the question period, a full-scale development plan was laid out on a table for attendees to see the detail and ask further questions. The meeting adjourned at 6:45 p.m.



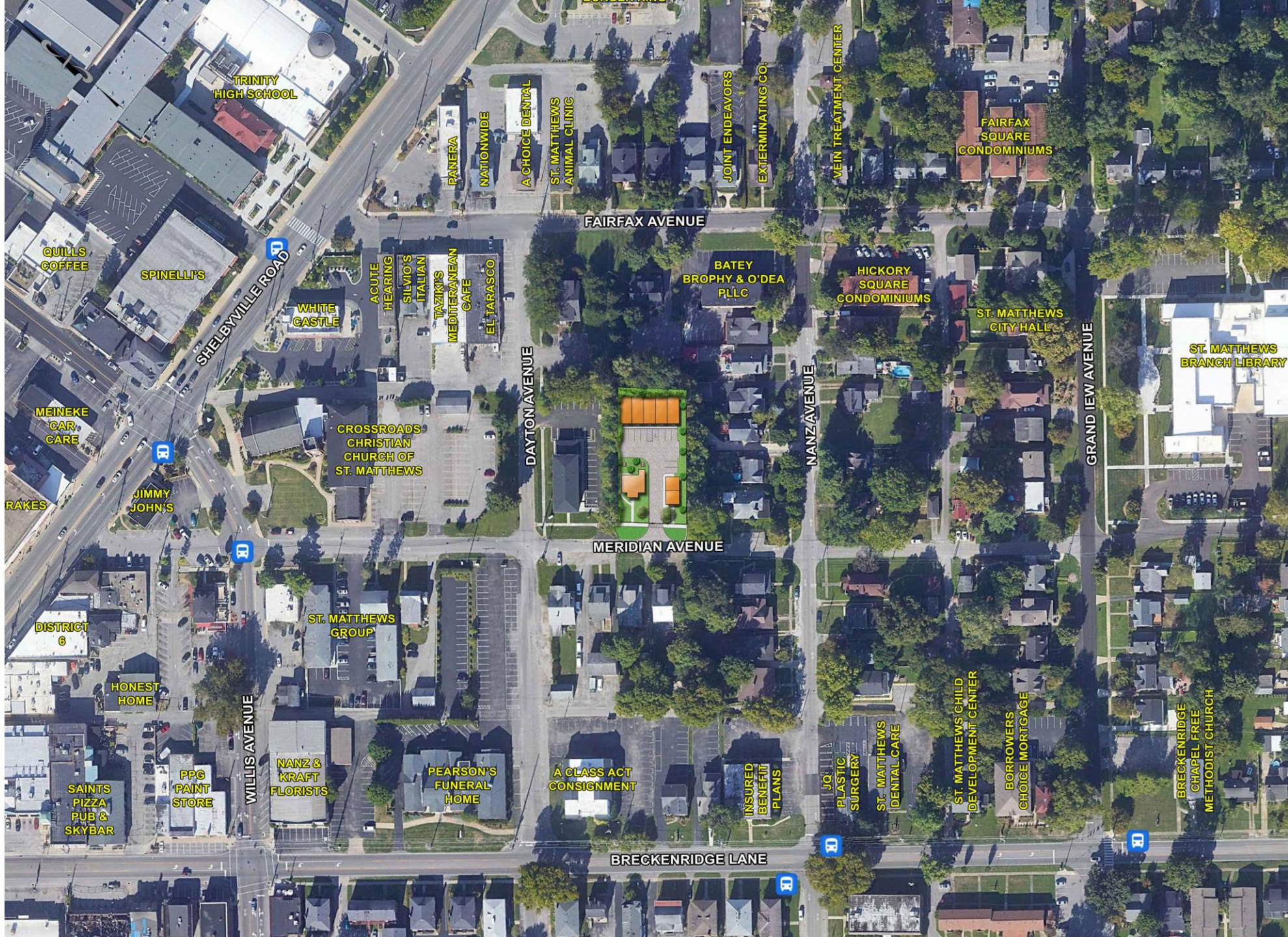
Tab 5  
Development Plan

---

# Tree Inventory







TRINITY  
HIGH SCHOOL

QUILLS  
COFFEE

SPINELLI'S

WHITE  
CASTLE

ACUTE  
HEARING

SILVIO'S  
ITALIAN

TAZKIS  
MEDITERRANEAN  
CAFE

EL TARASCO

FAIRFAX AVENUE

CROSSROADS  
CHRISTIAN  
CHURCH OF  
ST. MATTHEWS

DAYTON AVENUE

BATEY  
BROPHY & O'DEA  
PLLC

HICKORY  
SQUARE  
CONDOMINIUMS

ST. MATTHEWS  
CITY HALL

ST. MATTHEWS  
BRANCH LIBRARY

MEINEKE  
CAR  
CARE

JIMMY  
JOHN'S

DISTRICT  
6

HONEST  
HOME

ST. MATTHEWS  
GROUP

MERIDIAN AVENUE

NANZ AVENUE

GRAND IEW AVENUE

SAINTS  
PIZZA  
PUB &  
SKYBAR

PPG  
PAINT  
STORE

NANZ &  
KRAFT  
FLORISTS

PEARSON'S  
FUNERAL  
HOME

A CLASS ACT  
CONSIGNMENT

INSURED  
BENEFIT  
PLANS

JQ  
PLASTIC  
SURGERY

ST. MATTHEWS  
DENTAL CARE

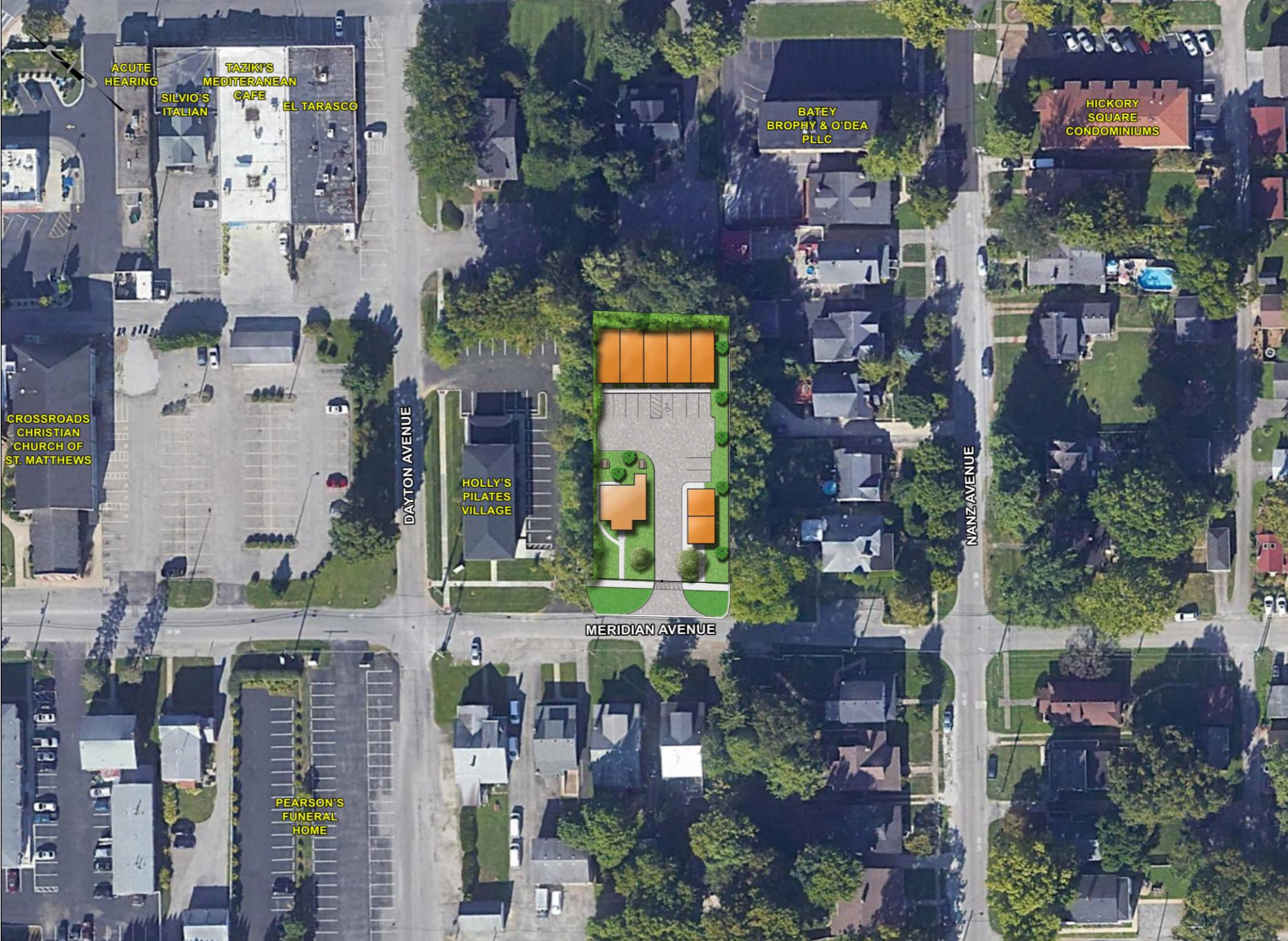
ST. MATTHEWS CHILD  
DEVELOPMENT CENTER

BORROWERS  
CHOICE MORTGAGE

BRECKENRIDGE  
CHAPEL FREE  
METHODIST CHURCH

BRECKENRIDGE LANE





ACUTE HEARING

SILVIO'S ITALIAN

TAZIKI'S MEDITERANEAN CAFE

EL TARASCO

CROSSROADS CHRISTIAN CHURCH OF ST. MATTHEWS

DAYTON AVENUE

HOLLY'S PILATES VILLAGE

MERIDIAN AVENUE

BATEY BROPHY & O'DEA PLLC

HICKORY SQUARE CONDOMINIUMS

PEARSON'S FUNERAL HOME

NANZ AVENUE





Existing home to remain

Existing home to be removed

NANZ AVE





X AVE  
Y 40207  
PG. 81

DERBY CITY INVESTMENTS LIMITED LIABI  
1055 ALTA VISTA RD  
LOUISVILLE, KY 40205  
D.B. 11997, PG. 701

OF  
COLES  
FISNEI  
3939  
LOUISVIL  
D.B. 11!

Sanitary Sewer  
No. 03534A-5

**18' ALLEY (TO BE CLOSED)**  
S29°30'34"E 98.92'

LBA/ESN  
WAIVER I

KENNED  
3937  
LOUISVIL  
D.B.'11

TC  
TIES, LLC  
AN AVE  
Y 40207  
PG. 361

INFILL  
ESTABLISHED  
SETBACK  
MAX.  
MIN.

**MERIDIAN AVENUE 60'R/W**  
LOCAL ROAD - 60' R/W MIN.

5/TC  
FT FLOREST INC  
SENRIDGE, IN

OR-3/TC  
MED WHOLESALER LLC  
141 BRICKENRIDGE LN

OR-3/TC  
CIAMAR INC

R  
DORSEY JOI



Building to be removed and replaced with 5, 2-story tall townhomes

Existing home to remain

2, 2-story Townhomes proposed





**LEGEND**

- Ex. I.Pin W. Cap  
Cap Stamped "WINK 3492"  
(Unless Otherwise Noted)
- Ex. Mag Nail W/Washer Stamped  
"LD&D SURVEYING 3492"

PPH Properties LLC  
D.B. 11061 Pg. 361  
"201 Meridian Avenue"

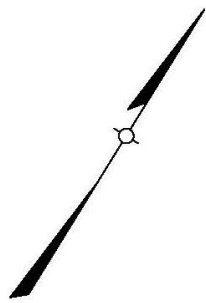
**ALLEY 18' R/W**  
P.B. 3, Pg. 52

Fairfax Properties LLC  
D.B. 9888 Pg. 0081  
"114 Fairfax Avenue"

N57°53'00"E  
9.01'

Ex. I. Pin  
"Schroll #3570"  
Point of Beginning  
(Tract B)

**LOCATION MAP**  
Not To Scale



N57°53'00"E  
9.01'

98.92'

50.00'

98.97'

99.03'

**TRACT A**  
890.53 S.F.

**TRACT B**  
891.01 S.F.

Zoning: R-5  
Zoning: OR-3

Derby City Investments  
Limited Liability Company  
D.B. 11997 Pg. 701  
"122 Fairfax Avenue"  
Zoning: OR-3  
Form District: Town Center

Magnolia Subdivision  
P.B. 3 Pg. 52

Lot 21  
Dan L & Cheryl Fultz  
D.B. 11499 Pg. 707  
"205 Meridian Avenue"  
Zoning: R-5  
Form District: Town Center

Lot 22  
Dan L & Cheryl Fultz  
D.B. 11499 Pg. 710  
"207 Meridian Avenue"  
Zoning: R-5  
Form District: Town Center

Point of Beginning  
(Tract A)

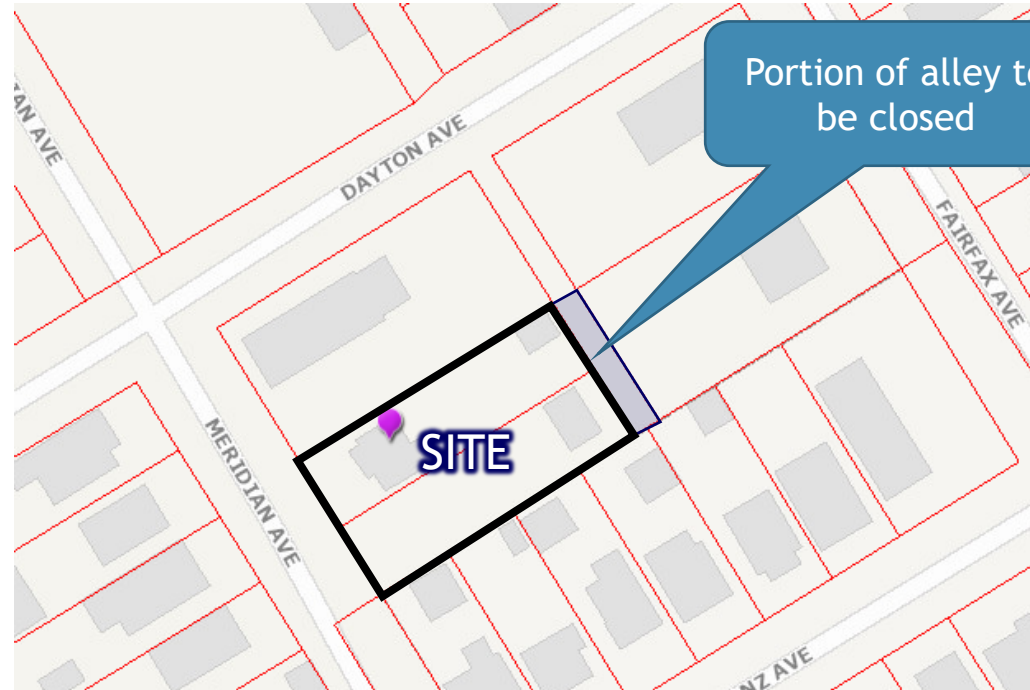
Ex. I. Pin  
"Design #976"

S58°13'51"W  
9.01'

S58°13'51"W  
9.01'

Siena Wahl Kennedy  
D.B. 11396 Pg. 849  
"3937 Nanz Avenue"

Lauren Coles & Brittany Fisner  
D.B. 11977 Pg. 738  
"3939 Nanz Avenue"



Portion of alley to be closed



Portion of alley to be closed



Tab 6  
Building Elevations

---





*EXISTING RESIDENCE*

*MERIDIAN AVENUE [FRONT] FACADE - UNIT 7*





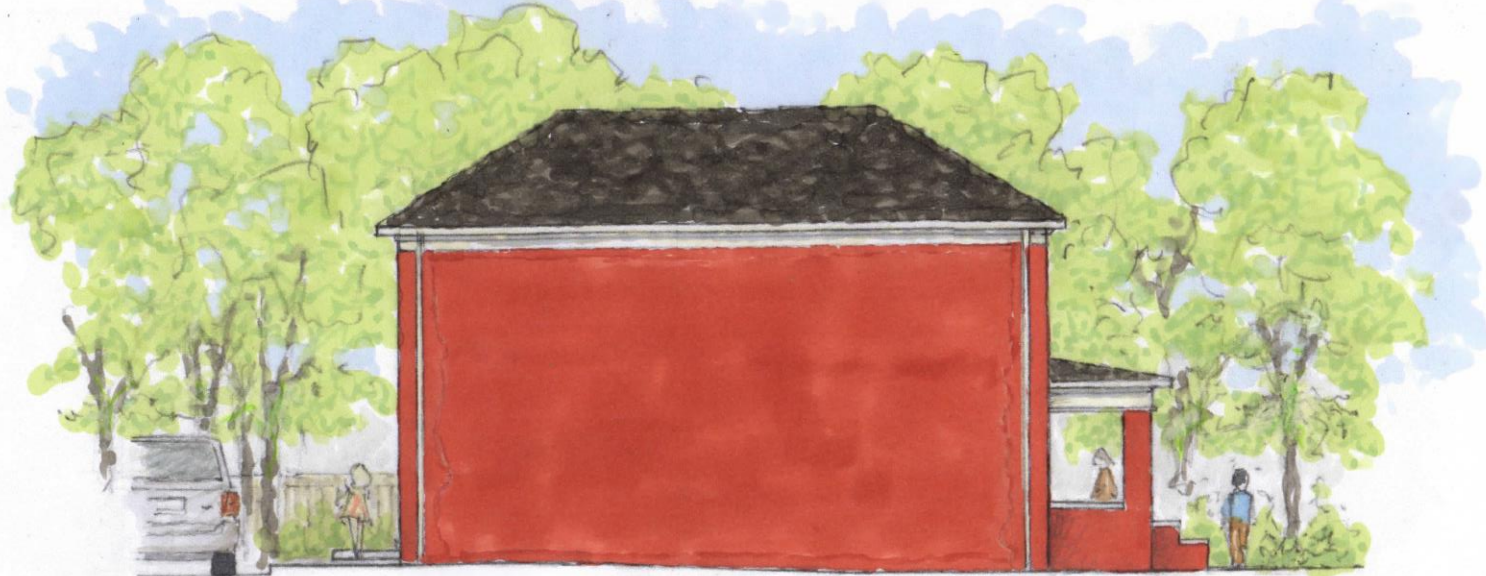
SOUTHWEST [FRONT] FACADE - UNITS 1 - 5



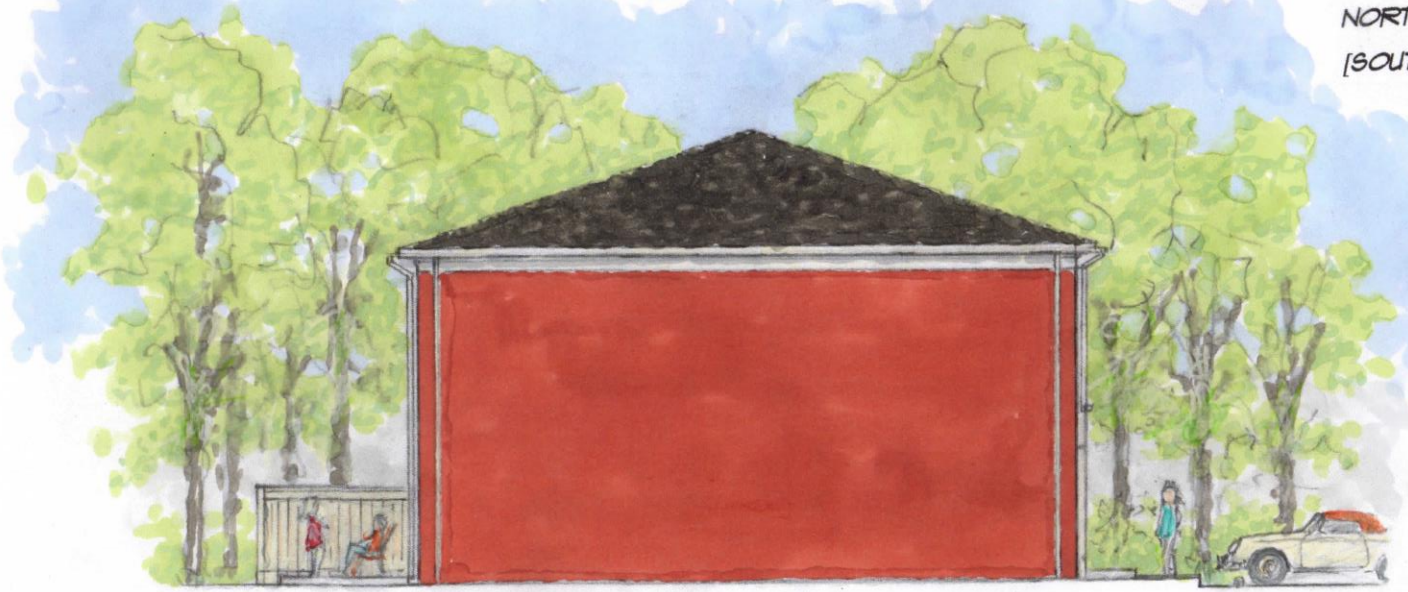


NORTHEAST [REAR] FACADE - UNITS 1 - 5





NORTHWEST [SIDE] FACADE - UNITS 6 & 7  
[SOUTHEAST FACADE SIMILAR]



NORTHWEST [SIDE] FACADE - UNITS 1 - 5  
[SOUTHEAST FACADE SIMILAR]



## Tab 7

Statement of Compliance filed  
with the original zone change  
application with all applicable  
Goals of the 2040 Plan, Variance  
and Waiver Justification

---



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

## **REVISED STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN**

Applicant: Cheryl and Dan Fultz

Owners: Cheryl and Dan Fultz

Project Name/Location: Meridian Avenue townhomes

Proposed Use: Multifamily Residential

Request: Zone change from R-5 to R-6

Engineers, Land Planners, Landscape Architects: Land Design & Development

### **INTRODUCTION**

The Applicant is proposing an 8-unit multi-family development on two tracts (to be consolidated) located on the north side of Meridian Avenue (205 and 207 Meridian Avenue) totaling approximately .46 acres in the Town Center Form District. The development will consist of seven new townhomes with one of the two existing homes on the tracts to be retained (207 Meridian Avenue) with ten parking spaces (including two handicapped spaces) and 3,316 square feet of open space. All parking will be in the interior of the site. A related alley closure is also requested to close the unbuilt eighteen' alley along the northern property line.

### **PLAN ELEMENT 4.1: COMMUNITY FORM**

**This “Application Package” complies with Plan Element 4.1, Goals 1 and 2 and their Objectives plus the following Policies.**

**As to Goal 1, Policies 2, 2.1, 3.1.5, 4, 5, 7 and 9, it complies as follows, in addition to the other ways set forth above and below:**

The site is located in the Town Center Form District which encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which will be rental apartments, which this plan proposes. Proposed density in this instance is in the high range of R-6 but is not “high density” generally. Spread among 7, 2-story townhome buildings with a total of eight units, the designs, square footages, and rental rates are also contemplated by these Policies as appropriate for this Form District and neighborhood.



Land Development Code required height restrictions, interior, and perimeter landscaping, and required setbacks (without variances or waivers) will also be met with appropriate transitions to surrounding development. Parking is entirely located in the interior of the development. No signage is proposed.

Also, located as this proposed multi-family zoned community is just a short drive on a primary collector road to Shelbyville Road with its sizeable and ever-growing commercial activity center, with employment services and schools nearby. Thus, travel distances for purposes of shopping and employment are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed. This helps contribute to improved air quality.

The brick and traditional style and design of these buildings assure compatibility with adjoining residential communities. Landscaping, screening, and buffering beyond the bare minimums will assure appropriateness for the neighborhood and compatibility with adjoining residential uses.

Because of what surrounds this proposal and the fact that this is a proposed rental community, impacts such as traffic, odors, lighting, noise, and aesthetic factors will not prove to be nuisance factors. Plus, as a residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents.

**As to Goal 2, Policies 1, 6, 7 and 9, it complies as follows, in addition to the other ways set forth above and below:**

As said, the proposed multi-family community is in a Town Center Form District, very near already built shopping and large rental community and near a major employment center. As such, and with good and improving pedestrian and vehicular access along Meridian Avenue with street and sidewalk connections to other neighborhoods, the proposed multi-family community is part of a large mixed residential, retail and school activity center

Also, as such, it will add to the opportunities existing and planned in this high growth area to reside in close and convenient proximity to places of employment, food, shopping, and education along Shelbyville Road. Utility easements will be designed and located to provide access for maintenance and repair and to the extent possible, in common easements underground with screened utility equipment.

**As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below:**

The detailed district development plan (DDDP) filed with the rezoning application for this proposed multi-family community includes #,316 square feet of open space for use by residents. Those spaces will be maintained in perpetuity by the owner of the apartment community. No severe, steep, or unstable slopes are existing on the site and no portion of the site is within a flood hazard area.

**As to Goal 4,** this is not a historic site with historic buildings. The existing residence on the site is eligible for the National Historic Register based solely on its age and has no distinctive architectural features or cultural or historical significance and is planned for demolition.



## **PLAN ELEMENT 4.2: MOBILITY**

**This Application Package complies with Plan Element 4.2, its Goal 3, and their Objectives plus the following Policies.**

**As to Goal 1, Policy 4; Goal 2, Policy 4; and Goal 3, Policies 1, 2, 3, 4, 5, 9, 10 and 21, it complies as follows, in addition to the other ways set forth above and below:**

This proposed multi-family community (located as it is within an existing and growing mixed use area proximate to a large activity center, with good access off a primary collector level road and thereby well connected as it is proposed to be accessible nearby schools, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Locating its development along and with access to and from those networks, the Applicant will, at its cost, construct a sidewalk along its Meridian Avenue frontage. In doing so, it will prepare construction plans that will assure safe access with good sight distances and turning radii. No direct access to high-speed roadways is proposed.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application.

TARC service is available within walking distance along Shelbyville Road.

## **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

**This Application Package complies with Plan Element 4.3, Goal 2, and their Objectives plus the following Policies.**

**As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:**

Several schools are in the area including Waggener and Trinity High School. All necessary utilities are located proximate to this site including a potable water supply and accessible to it via public right of way easements. The sewer line adjacent to the rear will be evaluated to ensure capacity for the anticipated flow.

## **PLAN ELEMENT 4.5: LIVEABILITY**

**This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policies 5, 17 and 21, it complies as follows, in addition to the other ways set forth above and below:**



The DDDP filed with this application contemplates that storm water will be subject to the MSD Regional Facilities Fee. The site will be evaluated for the presence of native plants and to inventory the existing tree masses for compliance with the tree canopy requirements of the LDC. Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. The site is not located in a floodplain. A karst survey will be performed to ensure there are no such features or that such features will be mitigated.

As mentioned above, given the location of this proposed multi-family community near a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

#### **PLAN ELEMENT 4.6: HOUSING**

**This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies.**

**As to Goal 1, Policies 1 and 2; Goal 2, Policies 1 and 2; and Goal 3, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above:**

By bringing brand-new, high-quality apartments to the Shelbyville Road/St. Matthews area, the Applicant proposes to serve a different purpose, which is well-designed and attractive rental housing, where otherwise the main living opportunities are single family houses. Also, because of the number of bedrooms, it is possible that renters, taking advantage of proximity to nearby schools, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities so this community can expect empty nesters to be among its principal occupants.

And, finally, the Comprehensive Plan does not prohibit the demolition of one or two existing single-family houses on large lots, as proposed in this isolated instance. One of the two houses is currently occupied and will be available for rental under the proposed plan. One vacant house in disrepair will be removed. The Comprehensive Plan tries to preserve single family communities of houses, to protect an affordable housing stock, which is not what is involved here.

\* \* \*

For all the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives, and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

---

Paul B. Whitty



Bardenwerper, Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Bldg.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

## Tab 8

Proposed findings of fact  
pertaining to compliance  
with the 2040 Plan, Variance  
and Waiver criteria

---



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

## **PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE 2040 PLAN**

Applicant/Owners Cheryl and Dan Fultz

Project Name/Location: Meridian Avenue townhomes

Proposed Use: Multifamily Residential

Request: Zone change from R-5 to R-6

Engineers, Land Planners, Landscape Architects: Land Design & Development

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 15, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTION**

**WHEREAS**, the Applicant is proposing an 8-unit multi-family development on two tracts (to be consolidated) located on the north side of Meridian Avenue (205 and 207 Meridian Avenue) totaling approximately 0.46 acres in the Town Center Form District; the development will consist of seven new townhomes with one of the two existing homes on the tracts to be retained (207 Meridian Avenue) with ten parking spaces (including two handicapped spaces) and 3,316 square feet of open space; all parking will be in the interior of the site; and a related alley closure is also requested to close the unbuilt eighteen-foot-wide alley along the northern property line; and

### **PLAN ELEMENT 4.1: COMMUNITY FORM**

**WHEREAS**, this "Application Package" complies with Plan Element 4.1, Goals 1 and 2 and their Objectives plus the following Policies, as to Goal 1, Policies 2, 2.1, 3.1.5, 4, 5, 7 and 9, it complies because the site is located in the Town Center Form District which encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which will be rental apartments, which this plan proposes; proposed density in this instance is in the high range of R-6 but is not "high density" generally; spread among 7, 2-story townhome buildings with a total of eight units, the designs, square footages, and rental rates are also contemplated by these Policies as appropriate for this Form District and neighborhood; and

**WHEREAS**, Land Development Code required height restrictions, interior, and perimeter landscaping, and required setbacks (without variances or waivers) will also be met with appropriate transitions to surrounding development; parking is entirely located in the interior of the development; and no signage is proposed; and

**WHEREAS**, also, located as this proposed multi-family zoned community is just a short drive on a primary collector road to Shelbyville Road with its sizeable and ever-growing commercial activity center, with employment services and schools nearby; thus, travel distances for purposes of shopping and employment are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed; and this helps contribute to improved air quality; and

**WHEREAS**, the brick and traditional style and design of these buildings assure compatibility with adjoining residential communities; landscaping, screening, and buffering beyond the bare minimums will assure appropriateness for the neighborhood and compatibility with adjoining residential uses; and

**WHEREAS**, because of what surrounds this proposal and the fact that this is a proposed rental community, impacts such as traffic, odors, lighting, noise, and aesthetic factors will not prove to be nuisance factors; plus, as a residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents; and

**WHEREAS**, to Goal 2, Policies 1, 6, 7 and 9, it complies because the proposed multi-family community is in a Town Center Form District, very near already built shopping and large rental community and near a major employment center; and as such, and with good and improving pedestrian and vehicular access along Meridian Avenue with street and sidewalk connections to other neighborhoods, the proposed multi-family community is part of a large mixed residential, retail and school activity center; and

**WHEREAS**, it will add to the opportunities existing and planned in this high growth area to reside in close and convenient proximity to places of employment, food, shopping, and education along Shelbyville Road; utility easements will be designed and located to provide access for maintenance and repair and to the extent possible, in common easements underground with screened utility equipment; and

**WHEREAS**, to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies because the detailed district development plan (DDDP) filed with the rezoning application for this proposed multi-family community includes 3,316 square feet of open space for use by residents; those spaces will be maintained in perpetuity by the owner of the apartment community; and no severe, steep, or unstable slopes are existing on the site and no portion of the site is within a flood hazard area; and

**WHEREAS**, to Goal 4, this is not a historic site with historic buildings; the existing residence on the site is eligible for the National Historic Register based solely on its age and has no distinctive architectural features or cultural or historical significance and is planned for demolition; and

#### **PLAN ELEMENT 4.2: MOBILITY**

**WHEREAS**, this Application Package complies with Plan Element 4.2, its Goal 3, and their Objectives plus the following Policies, Goal 1, Policy 4; Goal 2, Policy 4; and Goal 3, Policies 1, 2, 3, 4, 5, 9, 10 and 21, it complies because this proposed multi-family community (located as it is within an existing and growing mixed use area proximate to a large activity center, with good access off a primary collector level road and thereby well connected as it is proposed to be



accessible nearby schools, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks; locating its development along and with access to and from those networks, the Applicant will, at its cost, construct a sidewalk along its Meridian Avenue frontage; in doing so, it will prepare construction plans that will assure safe access with good sight distances and turning radii; and no direct access to high-speed roadways is proposed; and

**WHEREAS**, bike racks and handicapped parking spots will be installed as and where required near buildings; and all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements; these are preliminarily depicted on the DDDP filed with this application; and

**WHEREAS**, TARC service is available within walking distance along Shelbyville Road; and

#### **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

**WHEREAS**, this Application Package complies with Plan Element 4.3, Goal 2, and their Objectives plus the following Policies, as to Goal 2, Policies 1, 2 and 3, it complies because several schools are in the area including Waggener and Trinity High School; all necessary utilities are located proximate to this site including a potable water supply and accessible to it via public right of way easements; and the sewer line adjacent to the rear will be evaluated to ensure capacity for the anticipated flow; and

#### **PLAN ELEMENT 4.5: LIVEABILITY**

**WHEREAS**, this Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies, as to Goal 1, Policies 5, 17 and 21, it complies because the DDDP filed with this application contemplates that storm water will be subject to the MSD Regional Facilities Fee; the site will be evaluated for the presence of native plants and to inventory the existing tree masses for compliance with the tree canopy requirements of the LDC; measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated; the site is not located in a floodplain; and a karst survey will be performed to ensure there are no such features or that such features will be mitigated; and

**WHEREAS**, as mentioned above, given the location of this proposed multi-family community near a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced; and

#### **PLAN ELEMENT 4.6: HOUSING**

**WHEREAS**, this Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies, as to Goal 1, Policies 1 and 2; Goal 2, Policies 1 and 2; and Goal 3, Policies 1, 2 and 3, it complies because by bringing brand-new, high-quality apartments to the Shelbyville Road/St. Matthews area, the Applicant proposes to serve a different purpose, which is well-designed and attractive rental housing, where otherwise the main living opportunities are single family houses; also, because of the number of bedrooms, it is possible that renters, taking advantage of proximity to nearby schools, will have children; and because of the

lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities so this community can expect empty nesters to be among its principal occupants; and

**WHEREAS**, the Comprehensive Plan does not prohibit the demolition of one or two existing single-family houses on large lots, as proposed in this isolated instance; one of the two houses is currently occupied and will be available for rental under the proposed plan; one vacant house in disrepair will be removed; and the Comprehensive Plan tries to preserve single family communities of houses, to protect an affordable housing stock, which is not what is involved here; 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 Goals of the 2040 Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-5 to R-6 and approves the Detailed District Development Plan.



## **VARIANCE FINDINGS OF FACT**

Variance of LDC Section 5.2.4.C.4 and 5.1.12 to exceed the infill front setback range.

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because this requirement is simply one of aesthetics and does not negatively affect this development; and there are no sight distance issues created by this variance; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because the streetscape and the aesthetics of the area are not negatively affected by this variance and the plan provides for the preservation of one of the existing homes and two new units closer to Meridian Drive so the streetscape will largely remain the same; the development site is adjacent to an office building and associated parking to the north and the rear yards of properties on Nanz Avenue to the south; the existing dilapidated structure at 207 Meridian Avenue is set back 148 feet from the street so the existing condition is more out of compliance than as proposed; and all other LDC requirements will still be met; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because it is completely aesthetic, and which will not cause hazards or nuisances at all; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance does not have any negative impact on any other surrounding properties necessary to be protected by the regulation; and

**WHEREAS**, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because otherwise the buildings would have to be reduced in size or eliminated making the project financially infeasible; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove; and

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

## **WAIVER FINDINGS OF FACT**

Waiver of LDC Chapter 10.2.4.B.3 to allow more than 50% overlap of the required LBA and utility easement.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the LBA will still exist, although a portion of it will include utilities that the land planners and landscape architects will attempt, working with the utility companies, to still adequately landscape; this waiver request is routinely sought and granted and the LDC may soon be revised to eliminate the need for such waivers; 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 Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the rezoning application; and Landscape Character Guideline 13 and its policies will still be fully addressed; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the balance of the LBA unaffected by utilities will fully comply with the LDC, and the part affected by utilities will mitigate them with enhanced or alternative landscaping worked out by the land planners and landscape architects working on this plan with the utility companies; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because greater setback would be required than necessary to fully avoid utilities that can be accommodated as described above; and

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