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ZONING CHANGE JUSTIFICATION

7703- 7705 Cedar Creek Road (“Property”)

20-ZONEPA-0015

This application involves a Detailed District Development Plan (“DDDP”) and Zoning Change from R-4 to R-6 for approximately 9.82 acres at the Property to be used for the development of a 168 unit apartment complex. The Property is located in a Neighborhood Form District (“NFD”).

The Property is located near the Bardstown Road commercial corridor and less than one mile from the Gene Synder Freeway. The Property is near to commercial activity, schools and other multifamily developments. The existing zoning in the surrounding area is residential and commercial with several apartment complexes located nearby. The residential lots immediately to the north of the Property are zoned R-4. The properties to the West of the Property and across Cedar Creek Road are zoned R-4. Southwest of the Property across Cedar Creek Road is the Cedar Heights Mobile Home Park. To the south of the Property is a sixteen-acre tract that is also zoned R-4. Directly East of the Property the zoning is C-2.

The Property is the South Fern Creek or Cedar Creek area is one of Louisville's prime growth areas for development of this exact kind because of these principal factors: (a) availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) presence of significant and growing retail activity; and (c) proximity to an interstate highway system which moves traffic to and from major employment centers.

The Applicant initially filed a pre-application for the zoning change on February 17, 2020. The Applicant also had a pre-application meeting with planning staff. In addition, the Applicant conducted its initial neighborhood meeting on March 10, 2020, with a second neighborhood meeting on August 11, 2020. The Applicant filed an application for the zoning change and an application and detailed district development plan on August 17, 2020.

COMPREHENSIVE PLAN 2040

Compliance with specific applicable plan elements, goals, objectives and policies of the Plan 2040 A Comprehensive Plan for Louisville Metro (“Plan”) are set forth in this Justification Statement.

Plan Element 4.1 Community Form.

According to LOJIC Online the property currently lies within the NFD form district. The NFD is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The NFD will contain

diverse housing types in order to provide housing choices for differing ages, incomes and abilities. The developments may include high density multi-family housing. The NFD should provide accessibility and connectivity between adjacent uses by automobile, pedestrian, bicycle and transit. (Goal 1, Policy 3.1.3). Policy 7 under Goal 1 is to locate higher density uses near major transportation facilities and near activity centers like Bardstown Road and Gene Synder Freeway. The proximity to the transit corridors and other neighborhoods will continue to result in shorter trips for residents, resulting in further reduction of automobile emissions. The Property is commercial activity center and a short distance to Bates Elementary school.

The 3-story apartment buildings with a total of 168 units, the designs, square footages and rental rates as contemplated by the Plan are appropriate for the NFD. The high-level construction and design of these apartment buildings assure compatibility with the nearby residential communities. In addition, landscaping, screening and buffering help assure appropriateness for the neighborhood and compatibility with adjoining residential uses. The proposed multi-family development near range of residentially sized lot and housing types is appropriate. The Property is near a large and growing retail activity center along a major arterial near an interstate interchange.

Policy 1 under Goal 3 is to encourage the creation of common, usable and accessible open space in new residential development and the DDDP filed with the rezoning application for this development includes a community clubhouse and pool. In addition, there are other communal open spaces, such as a dog park and playground, for use by residents.

As to Goal 4, this is not a historic site with historic buildings. As to Goal 5, this proposed multi-family community is neither large nor public enough to include an element of public art.

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Plan Element 4.2 Mobility

This proposed development has good access and is well connected to a nearby school, restaurants, retail shopping and other residential developments and communities. It is plainly part and parcel of good pedestrian, bicycle and road networks. The developer shall construct sidewalks and to-be-determined Cedar Creek Road right-of-way improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

In addition, bike racks and handicapped parking spots will be installed. And all drive lanes, parking spaces and any required connections will be designed in accordance with Metro Public Work and Transportation Planning requirements which are preliminarily depicted on the DDDP filed with this application. TARC basic service is available along Bardstown Road. Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

Plan Element 4.3 Community Facilities

Although the proposal does not include any new community facilities, it does comply with Policy 1 of Goal 2 of the Community Facilities plan element. The development is located in an area that is being served by existing utilities. In addition, fire safety services to the site is covered by Fern Creek Fire Protection District and the Louisville Metro Police will provide police service to the site. Bates Elementary school is located across Bardstown Road and further north along Bardstown Road are Fern Creek middle and high school. In addition, a public library and community center are located in the heart of Fern Creek.

Plan Element 4.4 Economic Development

The intent of the Economic Development plan element is to provide a framework for a healthy economic climate. The goals, objectives and policies advance Louisville Metro's economic development vision by supporting small and mid-sized businesses, promoting housing near employment centers, and retaining a strong and diverse workforce. Clearly allowing the Applicant to develop this Property would further the strategy of promoting business and retain a strong workforce.

According to the Plan, the population of the Louisville MSA is expected to increase to over 1.5 million people. The part of Jefferson County where this Property is located is expected to gain more than 25% of the current population by 2040. As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed multi-family community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries.

New development also increases the tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current COVID crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one.

The new development promotes growth in an already developed area. The proposed development will have access to existing infrastructure, including roadways, and water and sewer lines. (Goal 1, Objective a). The new development enhances the quality of life through Louisville Metro by providing a new, unique neighborhood environment to live, visit, and play. (Goal 2, Objective a). The economic value of this neighborhood, and the surrounding areas, is protected and improved by the new investment and development. (Goal 2, Objective b).

Plan Element 4.5 Livability

The intent of the Livability plan element is to provide guidance and direction for the provision and maintenance of resources necessary for the health and well-being of the citizens. The plan will be in compliance with the tree canopy guidelines. (Goal 4, Objective f). The DDDP filed with this application contemplates that storm water will meet all MSD requirements.

Sanitary sewer service is available at the nearby Cedar Creek regional wastewater treatment plant. Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or 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

The Housing plan element strives to enhance housing opportunities for all citizens of Louisville Metro. The plan approves of flexible zoning/design that encourage diverse housing options. (Goal 1, Objective a). The development complies with the plan by providing a new housing option in a developed neighborhood which in turn may entice new, diverse owners to move into the area. (Goal 1, Policy 1). Walkable and accessible neighborhoods are promoted; the new construction will continue to promote pedestrian accessibility to the nearby commercial activity. (Goal 2, Objective c). This housing exists near existing and future economic activity in compliance with the plan, with Kohls, C-stores, restaurants, and other economic activity are all within one mile. (Goal 2, objective d). The commerce in this NFD will expand and benefit the nearby areas. The NFD will contain diverse housing types in order to provide housing choices for differing ages. This development would bring new high quality apartments and provide housing choices to the young families, empty-nesters and new residents to Louisville.

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