

REZONING JUSTIFICATION STATEMENT

LDG Development, LLC

8300 Cooper Chapel Road

INTRODUCTION

LDG Development, LLC (the “Applicant”) proposes to re-zone a portion of the subject property located at 8300 Cooper Chapel Road from R-4 to R-6 Multi-Family Residential (a portion will remain R-4 Single-Family Residential) and re-develop the site into 84 single-family residential lots and 18 three-story apartment buildings with a total of 432 apartments. For the reasons set out below, the proposed rezoning complies with the applicable Plan Elements of the Plan 2040 Comprehensive Plan.

COMMUNITY FORM

The proposal complies with the intent and applicable policies of the Community Form Plan Element. The subject property is located in the Neighborhood Form District, which the Comprehensive Plan states

[I]s characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas. The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

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Comp Plan, §3.1.3. Here, the proposal is consistent with the Neighborhood Form district as it proposes both low-density single-family lots and high-density multi-family apartments within a single neighborhood in a manner that is compatible with nearby land uses. The proposal is also consistent with the pattern of development, scale, and site design in the area, which features both single-family and multi-family housing. Single-family housing can be found at the Heritage Creek single-family development to the south, the development along Evanwood Dr. to the east, and the Woodridge Crossing and Creek View Estates developments to the north. Multi-family housing can be found on both the north and south sides of the intersection of Beulah Church

Road and Interstate 265 at the Arbor Creek, Aspen Glen, Avalon Springs, and Ashton Park developments, and to the west along Leisure Lane at the Park Church Apartments development. Similar to the proposed development, these multi-family developments are incorporated within surrounding single-family neighborhoods. Properties zoned R-4 predominate immediately adjacent to the subject property, however, there are also many multi-family zoned properties. The property directly across Cooper Chapel Road is zoned R-5, and there are numerous properties near the intersection of Beulah Church Road and Interstate 265 zoned R-5, R-5A or R-6, including the Arbor Creek, Aspen Glen, Avalon Springs, and Ashton Park developments. The Park Church Apartments to the west on the other side of McNeely Lake are zoned R-7.

MOBILITY

The proposed development complies with the intent and applicable policies of the Mobility Plan Element. The proposed development will have two access points along Cedar Creek/Cooper Chapel Roads, which is classified as a Primary Collector. An internal curvilinear street will connect the two access points. The single-family lots line the internal street, which curves around the multi-family buildings in the center of the development. The multi-family buildings will be accessed via two access points off of the internal street, one near the southern intersection with Cedar Creek/Cooper Chapel Road, and the second at the intersection of the internal street and existing Fantasy Trail, which will be connected to the proposed development and provide connectivity to the residential development to the south. Traffic impacts to Cedar Creek/Cooper Chapel Roads will be mitigated by the two access points and the connectivity with the neighborhood to the south. The site has easy access to I-265 to the north via Cooper Chapel and Beulah Church Roads. Access to the commercial centers along Preston Highway and Beulah Church Road are also available via Cooper Chapel Road. Bardstown Road is accessible to the west via Cedar Creek Road. Adequate parking spaces will be provided within the multi-family portion of the development. Sidewalks will be provided along the internal street and also within the multi-family parking area.

COMMUNITY FACILITIES

The proposed development complies with the intent and applicable policies of the Community Facilities Plan Element. The subject property is adequately served by all utilities, including water and sewer. Furthermore, the subject property is located near the Quail Chase Golf Course, Penn Run Golf Course, and McNeely Lake Park. Broad Run Park is also nearby to the west. Southern High School and Wilt Elementary School are also nearby. Jefferson County Government facilities are also located nearby along Outer Loop Road.

ECONOMIC DEVELOPMENT

The proposed development complies with the intent and applicable policies of the Economic Development Plan Element. The proposed use will create hundreds of new and diverse housing types in the quickly developing Highview area of Jefferson County. The residences are located near major commercial centers along Preston Highway, Bardstown Road, and Interstates 265 and 65.

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LIVABILITY

The proposed development complies with the intent and applicable policies of the Livability Plan Element. The proposal calls for a community clubhouse, dog park, and pool within the multi-family part of the development. The proposed use will also preserve and integrate with the natural environment as the subject property is currently undeveloped agricultural land. The proposed development will not disturb the intermittent blueline stream that runs through the property and the required buffer areas will be respected. The proposed development will comply with the tree canopy sections of the LDC. Approximately 19 acres of open space are provided in the proposed development, and the proposed development has easy access to recreational areas such as Quail Chase Golf Course, Penn Run Golf Course, and McNeely Lake Park. Broad Run Park is also nearby to the west.

HOUSING

The proposed development complies with the intent and applicable policies of the Housing Plan Element. The proposed development will bring a diverse mix of housing types and densities as it calls for 84 single-family lots and 432 apartment units spread among 18 apartment buildings, as is consistent with the 2040 Plan and the Neighborhood Form District. The single-family and multi-family uses encourages an inclusive community and opportunities for multi-generational, affordable, and physically accessible housing. The proposed development is near numerous recreational activities, including Quail Chase Golf Course, Penn Run Golf Course, and McNeely Lake Park. Broad Run Park is also nearby to the west. The proposed development will have convenient access to the major commercial centers along Preston Highway, Bardstown Road, and Interstates 265 and 65.

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VARIANCE JUSTIFICATION STATEMENT

LDG Development, LLC

8300 Cooper Chapel Road

Case No. 20ZONEPA0031

The proposed variance, which will permit the applicant to exceed the maximum building height by three and half feet, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into 84 single-family residential lots and 18 three-story apartment buildings with a total of 432 apartments. The height variance is sought for the three-story apartment buildings, which will each be 38.5 feet in height to allow for higher ceilings in the proposed apartments. The requested variance from the maximum building height will not alter the proposed density or otherwise result in any adverse impacts on public health, safety, for welfare.

The variance will not alter the essential character of the general vicinity as the proposed height variance will permit the proposed apartment buildings to exceed the maximum building height by only three and a half feet. The area includes other multi-story multi-family developments, including the Arbor Creek, Aspen Glen, Avalon Springs, and Ashton Park developments along Cooper Chapel and Beulah Church Roads, and at the Park Church Apartments to the west along Leisure Lane.

The variance will not cause a hazard or nuisance to the public. The proposed variance will permit the proposed apartment buildings to exceed the maximum height by only three and a half feet. The variance will not have any adverse impact on the sightlines of adjacent property owners.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to exceed the maximum building height by only three and a half feet to provide 432 high-quality apartment units to the area.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposal calls for development of two tracts into 84 single-family lots and 18 apartment buildings, which requires a variance of only three and a half feet from the maximum building height. The proposed development is designed to minimize the impact of the multi-family section by wrapping single family lots that mirror the nearby development pattern around it.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting only a three and a half foot variance from the maximum building height. Strict application of the regulations would force the applicant to redesign its buildings to lower the ceilings in each unit.

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The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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