

June 8, 2022

Land Development & Transportation Committee Members
Louisville Metro Planning Commission
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**Re: Case No. 22-ZONE-0022/22-WAIVER-0024
Opposition to Zone Map Amendment and Waiver
4490 Brownsboro Road LLC**

Dear Committee Members and Planning Staff:

Thank you for the opportunity to comment. This firm represents the City of Windy Hills (“Windy Hills”), a carefully thought-out community of historic homes and neighborhoods located between I-264, Westport Road, North Hubbards Lane and Brownsboro Road. Windy Hills has a population of approximately 2,300 people. Windy Hills is a home rule city, governed by a six-member Council presided over by a Mayor, but does not have planning and zoning primacy. For these reasons, it relies on the Louisville Metro Planning Commission to impose reasonable regulations which will benefit the neighborhood and overall community.

Alter Development Group (“Applicant”) submitted this Application for a Change in Zoning/Form District Application (“Application”) from R-4 Neighborhood to R-5A in order to build a 14-unit residential development (with 9 units being located on one lot) on the property owned by 4490 Brownsboro Road, LLC (“Owner”) located in Jefferson County at 4490 and 4492 Brownsboro Road. The proposed development and zone change is within the Windy Hills neighborhood. The Applicant has also requested a waiver of Section 10.3.5.A.7 to reduce the parkway buffer from 75’ to 50’.

Windy Hills opposes the Application and does not believe they are ready to be heard by the full Planning Commission because, for among other reasons outlined below, the proposed changes violate KRS 100.213, the Land Development Code, and are not in compliance with the Plan 2040 Comprehensive Plan.

Windy Hills’ primary concern is that the proposed zoning classification is incompatible with the surrounding R-4 properties and is too tall, too dense, and out of character for the historic neighborhood. The development currently proposes two, three-story structures with one located near Coach Gate Condominiums. There are currently no three-story structures in Windy Hills so

the development would be out of character, would affect the quality of life and privacy of neighboring residents on Wellington Place and Chamberlain Hill, and open the door for similar future developments. Windy Hills is concerned about whether the proposal will fit with its historic character.

A zone map amendment can be granted if the proposed map amendment is in agreement with Cornerstone 2040 Plan. KRS 100.213. The requested amendment does not comply with the Plan. If the proposed zone map amendment is not in agreement with the Cornerstone 2040 Plan, then (1) the existing zoning classification given to the property must be inappropriate and the proposed zoning classification is appropriate or (2) there must have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Cornerstone 2040 plan and which have substantially altered the basic character of such area. KRS 100.213.

A zone map amendment from R-4 to R-5A would allow the developer to have a maximum density of 12.01 dwellings per acre (from the 4.84 dwelling units per acre allowed with R-4). See LDC 2.2.9(E). The current development plan calls for only 6.43 dwelling units per acre. Windy Hills is concerned that this would significantly expand the property's maximum density which is inconsistent with the surrounding properties. If approved, this could set a precedent inconsistent with the city plan and design of Windy Hills, allowing for dense, tall, unaffordable developments to replace single family homes. The property to the immediate east of the subject property, Eastgate at Brownsboro (Killiney Place) is zoned R-4. The adjoining property, Courtyards of Brownsboro (Turnbridge Wells Lane) has a density of only 6 dwelling units per acre even though it is zoned R-5A. Windy Hills would prefer a R-5 zoning designation if the property is to be rezoned as most properties within the city limits, with the exception of Coach Gate and the Courtyards of Brownsboro, are zoned R-4 or R-5.

Windy Hills also has concerns regarding the requested waiver which encroaches into the setback. The requested waiver will not provide adequate landscaping buffers for the residents of the Courtyards of Brownsboro. Windy Hills met with the applicant and voiced its concerns, requesting that the development be slightly scaled back and additional buffering. The applicant refused.

If this case advances to the full Planning Commission, we will submit more detailed and extensive comments.

Very truly yours,



Randy Strobo
Clay Barkley