ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 6500 FOREST COVE LANE, 7301 RIVER ROAD AND PARCEL ID NO. 020600480000 CONTAINING APPROXIMATELY 9.76 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0002). (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER SCOTT REED

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 (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22ZONE0002; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 22ZONE0002 and has made alternative findings of fact based on the Planning Commission's record that support maintaining the existing R-4 Single Family Residential, R-5A Residential Multi-Family and OR-1 Office Residential zoning designations; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 22ZONE0002, rejects the recommendation of the Planning Commission, and maintains the existing R-4 Single Family Residential, R-5A Residential Multi-Family and OR-1 Office Residential zoning designations on the property located at 6500 Forest Cove Lane, 7301 River Road and Parcel Id No. 020600480000 and being in Louisville Metro; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 4 because the scale and sight design differ substantially from nearby existing development and is therefore incompatible; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 7, as no form of public transportation exists on or near the site despite the high density and low number of parking-spaces-per-unit featured in the proposal; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 9 because surrounding residential property already provides a range of density, from R-4 to R-6, some of which share significantly longer property lines with the nearby non-residential uses. As a result, the proposed R-7 is simply increasing the density rather than providing an appropriate transition; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 16 because the opposition raised and produced experts to speak about substantial health concerns regarding residential development so close to gas stations, the particulates and emissions of which would have the potential to impact a great many more people under the proposal than what would be allowed under the current zoning; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 20 because the visual intrusion of the proposed building is not and likely cannot be mitigated at its proposed height, size, and footprint; and

WHEREAS, the proposal does not comply with Mobility Goal 1, subsection 4 because, while near an existing activity center, the proposal is not located near an existing or proposed employment center, nor is there transit available or proposed nearby; and

WHEREAS, the proposal does not comply with Mobility Goal 3, subsection 14 because, while LDC compliant, the amount of proposed parking is unlikely to adequately serve the development, given the lack of transit availability; and

WHEREAS, the proposal does not comply with Housing Goal 1, subsection 2 because as no form of public transportation exists on or near the site; and

WHEREAS, the proposal does not comply with Housing Goal 2, subsection 2 because no form of public transportation exists on or near the site despite the high density of the proposal; and

WHEREAS, for these reasons, the Council finds that the proposal does not comply with the adopted comprehensive plan, Plan 2040, and as such should not be approved.

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 properties located at 6500 Forest Cove Lane, 7301 River Road and Parcel ID No. 020600480000 containing approximately 9.76 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0002, shall remain R-4 Single Family Residential, R-5A Residential Multi-Family and OR-1 Office Residential and that the recommendation of the Planning Commission in that case is rejected.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

_____	_____
Sonya Harward	David James
Metro Council Clerk	Metro Council President

_____ _____

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-335-22 22ZONE0002 Rejection.docx (TF 12-15-22)