

BARDELL WERPER, 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 OF THE 2040 PLAN

Applicant: Kennedy International

Owners: Regal Park, LLC

Project Name/Location: 4700 S. Hurstbourne Parkway

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-7

Engineers, Land Planners, Landscape
Architects: Mindel Scott & Associates

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 14, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, the Applicant, Kennedy International, proposes a 360 unit multi-family community with open space and amenities at 4700 South Hurstbourne Parkway south of the intersection with Watterson Trail in the Neighborhood Form District in an area that is one of Louisville's prime growth areas for development of this exact kind because of these principal factors: (a) availability of sanitary sewers and all necessary infrastructure and utilities; (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; and

PLAN ELEMENT 4.1: COMMUNITY FORM

WHEREAS, this "Application Package" complies with Plan Element 4.1, Goal 1, Policies 7 and 9 because the site is located in the Neighborhood Form District which encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes; proposed density in this instance is in the high range, both as contemplated by these Policies and where infrastructure and existing activity centers support it; spread among 14, 2/3- and 3/4-story apartment buildings with a total of 360 units, the designs, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and neighborhood where the plan provides appropriate transitions to adjoining development; and

WHEREAS, to Goal 2, Policy 9, it complies because the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping and employment centers adding a new residential community; 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 and shopping; given all that is proximate to and surrounds this particular site and given the particular design of this proposed multi-family community, it appears as though this development within the larger community and proximate to the referenced activity center, is entirely appropriate; and

WHEREAS, to Goal 3, Policy 10, it complies because the site is not in an area of wet or highly permeable soils, steep slopes where there is potential for severe erosion that would cause property damage or environmental degradation; and

WHEREAS, to Goal 4, Policies 2 and 3 this is not a historic site with historic buildings and has no distinctive cultural features; and

PLAN ELEMENT 4.2: MOBILITY

WHEREAS, this Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies because as to Goal 1, Policy 4; Goal 2, Policy 4; and Goal 3, Policies 2, 5, 6, 9, 10 and 21, this proposed multi-family community (located as it is within an existing and growing mixed use area proximate to a large activity center, with two good access points off a major arterial roadway and thereby well connected as it is proposed to be close to restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks; no new roadway improvements are likely to be necessary but will depend upon the traffic impact study; and there is no direct residential access to high-speed roadways; 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; and these are preliminarily depicted on the DDDP filed with this application; and

WHEREAS, Traffic Impact Study (TIS) was completed by Diane Zimmerman, P.E. and submitted in accordance with MPW&TP requirements; and

WHEREAS, TARC service is generally unavailable in areas like this, but basic and express service is available 0.6 of a mile away along Bardstown Road; and

WHEREAS, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

WHEREAS, this Application Package complies with Plan Element 4.3, Goal 2 and their Objectives plus Policies 1, 2 and 3 because existing utilities are available to the site including an adequate supply of potable water and water for firefighting purposes as well as sewer service available by lateral extension to the Derek R. Guthrie Wastewater Treatment Plant; and

PLAN ELEMENT 4.5: LIVABILITY

WHEREAS, this Application Package complies with Plan Element 4.5, Goal 1, plus the following Policies 5, 17 and 21 as follows because the site is not located on karst terrain and is not located in a regulatory floodplain; on-site detention is provided subject to MSD review and approval prior to construction; there do not appear to be any unique characteristics of the general landscape; an LDC compliant landscaping plan will be submitted which will incorporate native species wherever possible; 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; and

WHEREAS, it also increases the Metro Louisville 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; that is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history; and

PLAN ELEMENT 4.6: HOUSING

WHEREAS, this Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus Goal 1, Policies 1 and 2; Goal 2, Policies 1 and 2; and Goal 3, Policies 1, 2 and 3 because by bringing brand-new, high-quality apartments to the South Hurstbourne Parkway area, the Applicant's proposal increases the variety of fair and affordable housing types in the area; also, because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby activity and employment centers 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, these buildings are multigenerational; and thus, this community can probably expect empty nesters to be among its principal occupants; and

WHEREAS, Plan 2040 does not prohibit the demolition of one existing single family house on large lots, as proposed in this isolated instance but rather it seeks to preserve single family communities of houses, so as 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-4 to R-7 and approves the Detailed District Development Plan.