

PROPOSED FINDINGS OF FACT ADDRESSING COMPLIANCE
WITH GUIDELINES AND POLICIES OF Plan 2040, A
COMPREHENSIVE PLAN FOR LOUISVILLE METRO

LIMESTONE BUILDERS, INC.
8203 & 8211 CEDAR CREEK ROAD, PARCEL 065700830000:
R-4, Single-Family Residential District to PRD, Planned Residential Development
District Amended Subdivision Plan to Add Cedar Ridge Section 2

Case No. 20-ZONE-0092
February 4, 2021

The Louisville Metro Planning Commission, having heard testimony before its December 10, 2020 Land Development & Transportation Committee meeting and during its Public Hearing convened for February 4, 2021, and having reviewed evidence submitted into the administrative record for Case No. 20ZONE0092 and further evidence presented by the applicant, interested parties, and the staff's analysis of the application, make the following findings:

Request Summary

WHEREAS, Limestone Builders, Inc. (the "applicant") requests a change in zoning districts from R-4, Single-Family Residential District to PRD, Planned Residential Development District for properties located at 8203 & 8211 Cedar Creek Road (the "Property"); the applicant files its zoning request to expand the existing Cedar Ridge subdivision, a small single-family residential community consisting of forty-five (45) buildable lots for detached houses on 9.92 acres of property situated on the east side of Cedar Creek Road, just west of Bardstown Road, and within the greater Fern Creek area of Louisville Metro; on 8.51 acres immediately adjacent to the south of Cedar Ridge, the applicant proposes a Section 2 of Cedar Ridge, wherein it wishes to match Section 1 of Cedar Ridge with forty-five (45) new buildable lots for detached, single-family houses, as well as two lots for common open space and area added for stormwater detention (the "Proposal"); for review and approval of its Proposal, the applicant submitted its Joint Zone Change & Subdivision Application wherein the applicant requests PUD Zoning for the 8.51 acres of property south of Cedar Ridge Section 1 and a corresponding subdivision plan requesting 1) subdivision of the property comprising Section 2 of Cedar Ridge; as well as 2) an amendment of existing Cedar Ridge Section 1 to remove two buildable lots and transfer that acreage to open space/stormwater detention; and a waiver application from Chapter 7 of the Land Development Code to allow more than

15% of the rear yards of certain lots being proposed in Section II of Cedar Ridge to be occupied by a drainage easement, as more specifically set forth on the subdivision/development plan; and

WHEREAS, when the community is built out as a whole, Cedar Ridge will contain 90 individual lots created for detached single-family homes and four lots for open space on 14.24 acres; 4 acres of property will be dedicated to public right-of-way; the proposed zone change will permit the applicant to expand a successful community of quality-built homes for residents who desire to live on single-family lots constructed on smaller yard areas with lesser maintenance requirements, and served by a network of connected roadways and sidewalks and which have access to usable open space; the applicant's Proposal conforms to Louisville Metro's Plan 2040 Comprehensive Plan ("Plan 2040") and applicable provisions of the Fern Creek Small Area Plan, as the Proposal, similar to properties surrounding it, is for quality built single-family housing, yet will offer prospective residents who prefer lower maintenance obligations and costs, a more compact residential lot that will compatibly blend with the existing neighboring single-family properties in the immediate area; the Proposal will furnish new connections to public rights-of-way, which will expand the public roadway network, connect single-family residential communities, and provide multiple points of vehicular and pedestrian ingress/egress to/from Cedar Ridge; and

WHEREAS, the proposed expanded PRD development site is in the Neighborhood Form District and bordered on all sides by properties used as or zoned for single-family residential; immediately to the north is section 1 of Cedar Ridge, the existing PRD community of which this application looks to extend southward along Cedar Creek Road; to the east of the Property are other existing R-4, single-family residential subdivisions (The Reserve at Glenmary, Section 3; Woods of Glenmary Patio Homes), to which the applicant's Proposal will connect via public roadway and sidewalk; to the south of the Property is a larger residential lot, zoned R-4 single-family residential; across the Cedar Creek Road to the west from the Property is a reclaimed stone quarry as well as an R-5 single-family community just north of the reclaimed quarry; in addition, the Property is located within Quadrant III – the Southwestern Quadrant – of the Fern Creek Small Area Plan ("FCSAP"), which contains agricultural, single-family residential neighborhoods, and single-family rural-residential as its predominant land uses within its defined area; the Proposal, as shown on the detailed district development/subdivision plan prepared by Sabak, Wilson & Lingo, Inc. and filed alongside the applicant's formal zoning application ("Site Plan") illustrates a FCSAP-compliant low- to medium-level of density for Cedar Ridge with an overall gross density of 4.89 dwelling units per acre and, after dedicating over 4 acres of land to public right-of-way, a net-density of 6.32 dwelling units per acre for the residential community; and

WHEREAS, the proposed rezoning complies with Metro’s Plan 2040 Comprehensive Plan and the applicable provisions of the FCSAP, as more fully explained herein and, therefore, should be approved.

**PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS – LAND DEVELOPMENT CODE**

WHEREAS, The PRD District is intended to provide flexibility in design of residential developments in a manner that promotes implementation of the adopted Comprehensive Plan. Land Development Code for all of Louisville – Jefferson County, Kentucky (“LDC”) Section 2.7.3.A. The PRD allows zero lot line, townhouse, cluster housing, reduced-lot sizes and building setbacks, and other innovative designs which meet the intent of Plan 2040;

WHEREAS, per Section 2.7.3.B of the LDC, PRD developments must meet at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system; and

WHEREAS, the applicant’s PRD Proposal complies with criterions #s 3 and 4; in relation to PRD requirements #s 3 and 4, the proposed development will expand an existing small single-family subdivision community that has been in high demand and successful on the real estate market because it offers new, quality-built housing on smaller residential lots with a projected construction budget of equal or higher cost per square foot than the existing surrounding housing in a great area located near jobs and accessibility to goods and services; the sizes of individual units will be comparable or smaller than the surrounding homes and, correspondingly, the individual lots will contain smaller yards for ease of maintenance, as compared to the surrounding single-family homes commonly built on larger lots, which residents must expend more time,

energy and money to maintain; thus, the Commission finds the Proposal will expand the existing supply of a newer housing product that remains in demand for the area – a different housing style that will increase diversity in types of single-family homes to serve differing ages and incomes of individuals wishing to live in the neighborhood; the proposed dwelling units are intended for but not limited to an older age group of residents (ages 55 and older, including empty nesters), who desire a tightly-knit, well-landscaped community comprised of single-family lots with manageable upkeep and accessibility to a network of pedestrian connections and usable open space; accordingly, the Commission finds the Proposal will introduce a distinct housing type to the neighborhood, thereby contributing to and expanding the variety of housing within an area.

THE PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

Plan Element 1 – Community Form

WHEREAS, the Property is within the Neighborhood Form; Goal 1, Policy 3.1.3 of Plan 2040's Community Form Plan Element advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas; moreover, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities; new neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses; and

WHEREAS, the Property is located within an area of budding residential development along Cedar Creek Road, and, more generally, within a larger area that is experiencing significant growth and investment around the commercial corridor of Bardstown Road, south of the Gene Snyder Freeway; Cedar Creek Road is a secondary collector level roadway and with the proposed expansion of existing Cedar Ridge, the residential community will have two connections to Cedar Creek; additionally, the applicant's Proposal will add another connection to an existing local roadway – Gentlewind Way – which provides both vehicular and pedestrian connections eastward to and thru the Reserve at Glenmary, leading to Old Bardstown Road, a primary collector, and to Bardstown Road, a major arterial roadway; Cedar Ridge Section 1 also maintains a stub street north to a larger property used as a single-family home; in all, Cedar Ridge will have four connections for ingress/egress despite having less than one hundred units; and

WHEREAS, single-family communities developed in varying densities, site designs, lot sizes and containing dwellings of different sizes and building materials surround the Property; PRD zoning exists immediately to north in existing Cedar Ridge Section 1 and other PRD and R-5A developments are located in the nearby area, between the Property and Bardstown Road to the east; the Applicant's Proposal will connect to an existing single-family residential neighborhood to the east as well as leave a stub connection for future development to the north; though connected to adjacent subdivision communities, the Proposal's site design and architectural feel of its homes carve out a distinctly unique sense of place in the neighborhood, while also providing safe, efficient connectivity to its neighboring communities, thereby strengthening the surrounding neighborhood form; and

WHEREAS, as evidenced by the strong demand for the lots in Section 1, the market has well received this type of single-family residential development that the applicant proposes for the Property; Fern Creek continues to attract residents and commercial development, most notably to its area south of the Gene Snyder, where the expanding commercial regional center is consistently adding new users and where a variety of quality housing has been and is being constructed within the surrounding neighborhood forms; here, the Commission finds the applicant's Proposal strengthens the neighborhood form encompassing it because the Proposal adds to the form's already existing mix of single-family dwellings more houses that are compatibly constructed in scale with surrounding homes and built using high-quality design and lasting building materials (brick, masonry accents and hardy plank siding); the lot dimensions, building setbacks and building heights (1-story & 1.5 story) of the proposed residences are similar and in-line with the nearby residential communities within the neighborhood form; as such, the applicant's Proposal is in accord with Plan 2040's Community Form plan element because it bolsters the expanding neighborhood center in the immediate area with diversity and quality housing; and

WHEREAS, the applicant's proposed subdivision will not detract from the existing neighborhood form by inserting adverse traffic impacts to the immediate area, however, for the request to add forty-five lots to the existing Cedar Ridge development will not generate high levels of traffic trips to cause disruption of existing traffic flows, over-capacitate existing roadway infrastructure, nor will the new connections to the public roadway network create sight-line problems on Cedar Creek Road or Gentlewind Way; the proposed expansion to Cedar Ridge will not bring about any known nuisances, such as noise, odor, intrusive lighting, or out-of-place visual intrusions to existing viewsheds or neighboring properties; as such, and for the foregoing reasons, the Commission finds the applicant's request for PRD zoning for the Property is in further agreement with Plan 2040's Community Form Goal 1; and

WHEREAS, the applicant's Proposal advances Goal 2 of Plan 2040's Community Form because it encourages sustainable growth and incorporates appropriate density within an area of differing residential densities, which are served by a nearby expanding regional center located to the east and along Bardstown Road, where a variety of commercial and institutional uses exist, all of which are served by adequate roadway infrastructure; Goal 2 of Community Form looks to accomplish, among other objectives, the promotion of corridors for investment, encouragement of diverse land uses to enhance quality of place and provide safe mobility options to strengthen connectivity around centers and corridors; the proposed change in zoning will allow for an expansion of a successful residential subdivision that will further ensure diversity of quality housing within the neighborhood form while it will also help support the commercial center(s) nearby to the east and provide safe connections to existing roadways and sidewalks; the applicant's proposal will add area to Cedar Creek Road right-of-way as well as expand the pavement width to expand the driving lanes and shoulders along the frontage of Cedar Ridge, Section II, and plant landscaping to its frontage, thereby matching the improvements to Cedar Creek Road the applicant competed with Cedar Ridge, Section I; and

WHEREAS, applicant's Proposal is also in concert with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's redevelopment; the Property does not possess any severe, steep or unstable slopes that would cause immediate or long-lasting environmental degradation; no karst has been identified onsite; development of the Property will avoid substantial changes to the site's existing topography; all applicable building setbacks will be met, landscaping buffers and tree canopy established onsite will equal or exceed the LDC requirements, light impacts on adjacent properties will be inconsequential, building height is consistent with the mix of building heights in the vicinity, and secured garage parking for residents will be sufficiently provided with each resident, with guest parking available via driveway space and on-street parking integrated throughout the site; open space is encouraged in the Neighborhood Form District, and the proposed amended subdivision plan meets the open space requirements of the Land Development Code; and

WHEREAS, in summary, the Commission finds the Proposal will add to the range of housing styles in the area, thereby promoting the surrounding neighborhood form by providing diverse housing options for differing ages and incomes; the one and one-and-one-half-story dwelling units the applicant intends to build on the Property will be compatible with the scale, form and function of the surrounding single-family residential uses; the proposed homes will be built from durable, quality building materials that are consistent with the building materials utilized in the established single-family neighborhood surrounding the Property, including brick, masonry, wood and/or cement

siding (hardiplank); together, Cedar Ridge Sections 1 and 2 will develop into a compact single-family community served by safe roadway and pedestrian connections that seamlessly tie into adjacent residential communities (existing and future), thereby building a stronger, more diverse neighborhood form; accordingly, the Commission finds the proposed development complies with Plan 2040's Community Form Plan Element.

Plan Element 2 – Mobility

WHEREAS, the Commission further finds the proposed expansion to Cedar Ridge complies with Plan 2040's Mobility Plan Element and its three Goals because it is a continuation of a successful, moderately-sized single-family community and, with the proposed expansion thereto, the Property will furnish and maintain proper site access, efficient and safe circulation throughout the development, while creating little to no adverse traffic-related effects onto adjacent areas; the subdivision plan shows an interconnected roadway network comprised of public roadways, which, when considering all of Cedar Ridge (existing and proposed), the community will provide two connections to Cedar Creek Road – thru the existing Cedar Garden Drive in section 1, and the proposed extension of Cedar Crest Lane from section 1 thru section 2 to Cedar Creek Road; a connection east to an existing stub for the local public roadway Gentlewind Way, which provides a link for vehicular and pedestrian traffic between the residential communities of Cedar Ridge and the Reserve at Glenmary; and Cedar Crest Lane also provides a stub roadway to the north of section 1, where there is a larger single-family property, thereby creating the potential for a future connection should that property to the north be further developed; thus, the Proposal's access design is appropriately coordinated with future roadway improvements; and

WHEREAS, Cedar Creek Road is a secondary collector roadway and metro-county thru road with more than enough capacity to absorb the new traffic generated by the 45 new residential lots the applicant requests to add to Cedar Ridge's 45 existing residential lots; as it did to support development of Cedar Ridge Section 1, the applicant will again undertake improving the section of Cedar Creek Road fronting Cedar Ridge Section 2, specifically to widen the drive lanes and shoulders; Section 2's internal roadway and sidewalk design will mimic section 1's design, which will continue the safe, controlled and efficient flow for both vehicular and pedestrian traffic throughout the community; due to the design of the internal roadway infrastructure within Cedar Ridge, high rates of speed for vehicles circulating through the community are not reasonably achievable, thereby providing a welcome environment for bicycling and walking; TARC is available to residents within a reasonable walking distance (just over one-half mile) to Old Bardstown Road and Bardstown Road, where TARC offers both express and local routes; and

WHEREAS, similar to Section 1, the rights-of-way dedicated to public use in Section 2 will be 50' in width and provide 24' of pavement width; sidewalks in section 2 will be 4' in width on both sides of sides of the internal streets; including the area dedicated to the Cedar Creek Road right-of-way, the applicant will be pledging over 4 acres of its private property to public right-of-way; proposed roadway and entrance intersections will meet the requirements for landing areas, as set by Louisville Metro Public Works; safe sightlines will be established and maintained throughout all roadways within Cedar Ridge, including entrances and exits; the applicant's Proposal avoids access to surrounding development through areas of significantly lower intensity or density; circulation and turning radii will all meet minimum standards of Metro Transportation Planning and Public Works; the minimum grade of all streets shall be 1% and the maximum grade shall be 10%; curbs and gutter shall be installed along all streets in the Proposal; construction plans, bond, and permit are required prior to construction approval by Louisville Metro Public Works; and

WHEREAS, each of the proposed single-family lots will have a 1- or 2-car garage and a driveway that connects to the development's internal roadway network; and adequate guest parking is available through on-street parking and on driveway areas of the single-family lots; street trees will be planted in a manner that does not interfere with sight distances or create public safety issues; for the aforementioned reasons, the Commission finds the applicant's Proposal therefore complies with Plan 2040's Mobility plan element and all applicable objectives and policies therein contained.

Plan Element 3 – Community Facilities

WHEREAS, Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro; the Commission finds the Proposal complies with Plan Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because although the Proposal itself is not intended to be a community facility, it will be served by all necessary utilities, including water, sewer, electricity, telephone and cable; and, to the extent possible, compatible utilities will be located within common easements and trenches, as required by each utility; sanitary sewer will connect to the Cedar Creek Wastewater Treatment Plant by lateral extension agreement; all sanitary sewer facilities shall conform to MSD's adopted standards; the development also has an adequate supply of potable water and water for fire-fighting purposes; Cedar Ridge is served by the Fern Creek Fire Department; lite recreational space is accessible to residents in the form of onsite open space; additional offsite recreational facilities exist at nearby McNeely State Park.

Plan Element 4 – Economic Development

WHEREAS, Goal 1 of the Plan 2040's Economic Development Plan Element strives to provide an economic climate that improves growth, innovation, investment and opportunity for all; Goal 2 of the Economic Development Plan Element is to cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce; Goal 2 lists as one of its objectives as protecting and improving the economic value of the neighborhood; here, the applicant requests approval from Louisville Metro to expand an appealing subdivision community for purchasers looking for single-family homes in this growing area of Fern Creek; thru its zoning application and amended subdivision plan, the applicant wishes to provide more of the same sought-after housing product the applicant has been successfully selling on the real estate market, thereby improving the value of existing Cedar Ridge, the immediately surrounding areas, the neighborhood form and nearby commercial activity centers; and

WHEREAS, the Property is just west of the Bardstown Road commercial corridor, the specific area of which is experiencing considerable growth and investment; the regional commercial center located where Bardstown Road interchanges with the Gene Snyder Freeway is slated for hundreds of thousands of commercial square footage, while additional commercial developments along Bardstown Road south of the Gene Snyder have recently been approved or are pending approval; the applicant's Proposal will further strengthen the connection between the ever growing commercial and office uses locating along this portion of the Bardstown Road commercial corridor and the surrounding neighborhood forms, for the Proposal adds to the diversity in housing in the neighborhood forms surrounding these commercial uses, and the future residents will support the commercial uses, as well as provide employment opportunities for future residents looking to reside in the area; the Commission finds that Cedar Ridge is an ideal community for individuals or small families who just moved to Louisville Metro for a new job opportunity and are shopping for quality housing within a safe, walkable community located where there is nearby access to commercial and employment activity; accordingly, the Proposal advances Plan 2040's Economic Development Plan Element because it adds to the availability and diversity of quality housing located near workplaces.

Plan Element 5 – Livability

WHEREAS, the Commission finds the Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens; and whereas the applicant's Proposal seeks to expand the existing Cedar Ridge single-family community and said expansion is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because with the development of the

Property, the applicant, in an effort to enhance the natural environment and integrate it with the built environment, will plant trees and attractive landscaping throughout the site where little to no tree canopy exists today; today, the site contains tree canopy on little of its area, whereas, to meet the 40% tree canopy requirement of the Land Development Code, the applicant will need to provide considerably more trees than what the site currently has, thereby significantly improving the tree canopy on the Property; the applicant will make certain street trees will be planted in a manner that does not affect public safety or hamper sight distances; perimeter setback areas on the Property will be maintained; the Property will be well-landscaped with plant species native to the area and Kentucky in general; all applicable tree canopy requirements will be met on-site; and

WHEREAS, when completed, Cedar Ridge will provide just under 79k square feet of common open space; more than 93k square feet of total open space will be located on-site. Section 1 of Cedar Ridge is being amended to remove two buildable lots so that said area formerly set forth in those two buildable lots can be transitioned for utilization as common open space and added detention for the existing basin located along the site's Cedar Creek Road frontage; importantly, for residents' access to large amounts of offsite open space, parks and opportunities for exercise, Cedar Ridge is located within a short drive or bicycle ride (just over 4 miles) to McNeely State Park, which is on Cooper Chapel Road, just south from Cedar Ridge; and

WHEREAS, the Commission finds the applicant will improve drainage infrastructure on the property and in the immediate area to help stormwater on the property and surrounding properties properly drain and not pool for extended periods of time; as mentioned, the drainage basin in section 1 is being expanded to accommodate runoff from the site and runoff drainage that may come from properties upstream; likewise, the development of the property into Cedar Ridge Section 2 will preserve on-site natural drainage features to accommodate runoff, assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil in accordance with Metropolitan Sewer District ("MSD") requirements; the applicant's proposed rezoning to PRD for the Property complies with Plan 2040's Livability Plan Element because the Proposal will include onsite stormwater detention and post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive, thereby protecting adjacent and downstream properties from adverse impacts of stormwater drainage leaving the Property (See Amended Subdivision Plan General/Detailed Development Plan Notes 3 -5); required mosquito control shall be provided in accordance with Chapter 96 of the Louisville Jefferson County Metro Government Ordinances; and

WHEREAS, connection to MSD sewer infrastructure via lateral extension will protect groundwater sources underneath the development and on adjacent properties; and, as the land is configured today, no portion of the Property lies within a flood hazard area per the applicable FEMA Map; accordingly, emergency vehicle access will traverse ground above any flood levels that might impact the property; moreover, MSD has provided its preliminary approval of applicant's proposed stormwater management system; further, to ensure completion of proposed storm-water infrastructure, the Property will be subject to MSD drainage bonding prior to construction plan approval; the final design of this project must meet all MS4 water quality regulations established by MSD; the applicant's request of a waiver from Chapter 7 of the Land Development Code to allow more than 15% of the rear yards of certain lots proposed in Section II of Cedar Ridge to be occupied by a drainage easement is appropriate and adequately justified by the applicant's proposed waiver justification statement and for reasons set forth within the Commission's findings of fact herein; the layout of the site may change at the design phase to facilitate proper sizing of green best management practices; finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD; and

WHEREAS, the new single-family dwelling units will have quality, well-manufactured building materials that will deploy sustainability and efficient energy use for the built dwelling units, all of which are designed for accessibility to support residents and guests of different ages and physical abilities; furthermore, the applicant's Proposal complies with Plan 2040's Livability Plan Element because the applicant proposes an expansion to an existing single-family community of 45 single-family lots with 45 additional single-family lots, all of which, when considered collectively, will cause low impacts to existing traffic within the area; the efficient design of the site's access, proposed connections to adjacent subdivisions and neighboring land that may further develop in the near future, and its internal roadway network will freely move automobiles to, from and around the site thereby not causing any degradation of air quality in the immediate area; the continuation of sidewalks on both sides of Cedar Ridge's internal roadways throughout the proposed development will encourage pedestrian activity around the site, connect individual dwelling units to the site's open space, as well as provide a pedestrian connection to the Reserve at Glenmary, the established residential subdivision to the east of the Property; close proximity to commercial centers located along Bardstown Road enables access to commercial goods and services through vehicular, pedestrian and bicycle traffic; transit if available on Bardstown Road, a short walk or bike trip from the Property; all of these measures will improve traffic conditions and, as a result, will minimize air pollution; therefore, the Commission finds the proposed rezoning application complies with Plan 2040's Livability Plan Element.

Plan Element 6 – Housing

WHEREAS, the Commission additionally finds that Plan 2040's Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities; the following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; as discussed herein, the Commission finds the applicant's Proposal advances all three Goals of the Housing Plan Element because Cedar Ridge will furnish quality-designed, well-constructed housing that will competitively add to the diversity in housing types, styles and design within the market of the existing neighborhood form surrounding the Property; and

WHEREAS, the Proposal is in agreement with the applicable policies of Housing Goals 1 and 2 because the development of Cedar Ridge Section 2 will expand the supply of housing product that has proven successful in this particular Fern Creek real estate market; Cedar Ridge Section 2 will foster opportunities for residents looking to live in Fern Creek with attractively-designed housing units constructed upon smaller lots within a compact residential community that is located near accessible commercial activity centers; the expansion of Cedar Ridge 1 into Cedar Ridge 2 provides more of an in-demand housing product for the already diverse Fern Creek real estate marketplace, where the proposed single-family properties enjoy a well-connected system of roadway infrastructure that supports the movement of people between residential, commercial, recreational, employment and other supporting uses in the area; Cedar Ridge is designed for all ages of residents, but is expected to be popular among older residents, widowers, empty nesters, and single professionals who prefer or need to have moderate amounts of acreage and house area, and, correspondingly, matching lower maintenance burdens; and

WHEREAS, this PRD Proposal will act as a suitable transition between neighborhoods, as it will insert differentiation in the type and styles of existing single-family housing in the area, while also maintaining the single-family residential nature of development recommended by the FCSAP, Quadrant III. Front and street yard minimum setbacks are 15', and minimum rear yard setback is 25'; newly planted trees and landscaping throughout the site will provide harmonious appearances between adjacent residential developments, ultimately strengthening compatibility and privacy between connected neighborhoods; the proposed development will not generate significant traffic, and traffic to and from the development will be insubstantial and will not cause traffic congestion; As in Section 1, the dwellings within Section 2 of Cedar Ridge will be

constructed of quality building materials and from attractive architectural designs; Purchasers of the proposed units will enjoy built-in garage space with direct access to their living space within the home, thereby allowing residents secured, covered access from their respective vehicles to the residences; the Proposal will connect to established residential communities to the east, which allow safe opportunities for pedestrians and bicyclists to travel to Bardstown Road, where commercial retail and restaurant uses are located; Cedar Creek Road also provides quick vehicular access to various commercial uses and employment sources for residents; consequently, the Commission finds Cedar Ridge possesses various attributes that support inter-generational residents and presents an ideal development for residents of all ages to live in Fern Creek; and

WHEREAS, consistent with Goal 3 of Plan 2040's Housing Plan Element, the applicant's proposed rezoning will help ensure long-term affordability and livable options in the Fern Creek area because it represents a significant investment in the redevelopment of an underused single-family property into an extension of a brand new, single-family residential subdivision offering attractive, well-constructed homes on compact, reduced lot sizes at a location near to employment centers and commercial goods and services; the development of Cedar Ridge appropriately places manageable density of single-family housing within the context of an area with various housing styles, ages and price points, all of which are supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, entertainment options, and transit; the sale of property to the applicant for development of Cedar Ridge Section 2 does not displace existing residents, for the property sold housed two single-family residences, the owners of which can choose to remain in Fern Creek; the property being developed will allow for new residents to move to the area and strengthen the growing Fern Creek neighborhoods.

LDC WAIVER JUSTIFICATION STATEMENT

LDC Section 7.3.30.E

**WAIVER TO ALLOW MORE THAN 15% OF THE REAR YARDS OF LOTS WITHIN
CEDAR RIDGE TO BE OCCUPIED BY DRAINAGE EASEMENT**

WHEREAS, Limestone Builders, Inc. (the "applicant") has filed development review applications with Louisville Metro Planning and Design Services wherein it requests a change in zoning district designation from R-4, Single-Family Residential District to PRD, Planned Residential Development District for properties located at 8203 & 8211 Cedar Creek Road & Parcel 065700830000 (the "Property") to expand the existing Cedar Ridge subdivision; Cedar Ridge is a smaller single-family residential community currently consisting of forty-five (45) buildable lots for detached houses on 9.92 acres of PRD-zoned property; due to popular demand for the type of housing in Cedar Ridge, the applicant wishes to provide an additional forty-five (45) single-family lots, as well as additional open space, on the 8.51 acres adjacent to the south of Cedar Ridge, thereby creating Cedar Ridge Section II; alongside its associated zoning and subdivision applications, the applicant is requesting a waiver from Chapter 7 of the Land Development Code to allow more than 15% of the rear yards of certain proposed lots proposed in Section II of Cedar Ridge to be occupied by a drainage easement; and

WHEREAS, for the reasons stated herein as well as within the applicant's justification filed in conjunction with its zoning application, the Commission finds the requested waiver complies with Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and the criteria for granting waivers and, therefore, should be approved; and

A. The waiver will not adversely affect adjacent property owners.

WHEREAS, the Commission finds the requested waiver relief from Chapter 7 of the LDC is to allow design of Cedar Creek Section II to mimic the existing design of Cedar Creek Section I, which allows for smaller sized single-family lots, as supported by the PRD zoning designation the applicant currently seeks; as part of the overall Cedar Ridge site design, the proposed waiver relief will allow for the applicant to properly handle drainage throughout the development, which will benefit adjacent property owners; the relief to allow a certain amount of rear yards to be occupied by drainage easements is primarily internal to the development, for all required building setbacks within the proposed Section II of Cedar Ridge will comply with LDC requirements. Accordingly, the Commission finds the waiver will not adversely affect adjacent property owners; and

B. The waiver will not violate the Comprehensive Plan.

WHEREAS, Cedar Ridge is within the Neighborhood Form District; Plan 2040's Community Form Plan Element Goal 1, Policy 3.1.3 advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas; further, Plan 2040 states the Neighborhood Form should provide diverse housing types

and housing choices for differing ages, incomes, and abilities; new neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses; consistent with the goals and policies of Plan 2040's Neighborhood Form are the Goals set forth in Plan 2040's Housing Plan Element, which aim to: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; the Commission finds the PRD zoning district being sought for the Property is an LDC zoning regulation consistent with these aforementioned Plan 2040 Goals and, what's more, is a method by which applicants can implement these very Plan 2040 Goals because it provides for flexibility in design of residential developments, allowing zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative site designs; and

WHEREAS, provided the support for differentiation of site design of residential developments set forth within the Comprehensive Plan and encouragement for residential developments to provide a variety in housing styles and types, and with the PRD regulations being an implementation tool of these Comprehensive Plan policies, the Commission agrees the requested waiver is not incongruent nor violative with Plan 2040; rather the opposite is the case, for when sites are designed to create residential subdivisions more compact in nature, land area is more constricted and limited, thereby leaving less area for accommodating utility and drainage systems throughout the subject site; here, the rear yard areas where the drainage easements will overlap will remain usable by the resident and will not appear as anything other than a rear yard; as it applies to Cedar Ridge Section II, the Commission believes this waiver will allow the applicant to properly mitigate excess runoff onsite and will have no effect on the requirements of the Comprehensive Plan; accordingly, the Commission agrees the granting of the requested waiver will not violate the Comprehensive Plan; and

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

WHEREAS, the Commission finds the Applicant has designed the site so that the extent of the waiver is the minimum necessary to afford relief to the applicant within the confines of the property and so that no building setback requirements will be affected by encroachment or negatively minimized; and, as mentioned, the rear yards of the proposed lots will allow for use of said backyards, just no location therein of structures; therefore, the Commission finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and

D. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

WHEREAS, the Commission also finds the strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular Chapter 7 regulation, the applicant would need to reduce the size of the building footprints of the majority of the houses proposed for Cedar Ridge Section II, thereby creating an unbalanced development between Cedar Ridge Sections I and II; moreover, the applicant might be required to drop a number of building lots, which seems to run counter to the intent of the PRD regulation, which promotes flexibility in site design of residential developments such as the proposed Cedar Ridge, which the applicant specifically designed with reduced lot sizes because there is high demand for this very housing product, as evidenced by the popularity of the houses in Cedar Ridge Section I; strict adherence to LDC 7.3.30.E would deprive the applicant of the ability to build out Section II of Cedar Ridge to match the look and feel of existing Cedar Ridge Section I, potentially damaging the ability to sell residential lots in Section II as well as creating an unbalanced looking residential development in general; the Commission finds that avoiding this unnecessary hardship warrants relief from LDC 7.3.30.E.

COMPLIANCE WITH KRS 100.213

For all the reasons set forth in the applicant's detailed Justification Statement and the information set forth on the Amended Subdivision Plan submitted with its formal zoning application, as long with its Waiver Application Justification, the applicant's Proposal is in agreement with the intents, guidelines and policies of Louisville Metro's Plan 2040 Comprehensive Plan, as well as the applicable provisions of the Fern Creek Small Area Plan. Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213.