



OOBREAK00

Louisville Metro – PDS – Rezoning Case files

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Case#_Document Type



Box#

59290

Case#

91306

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1700-EXR2-52

ORDINANCE NO. 199, SERIES 2006

AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO R-5 SINGLE FAMILY RESIDENTIAL AND FROM R-5 SINGLE FAMILY RESIDENTIAL TO R-1, R-2, AND R-4 SINGLE FAMILY RESIDENTIAL IN THE KENWOOD HILL NEIGHBORHOOD LOCATED SOUTH OF HWY I-264 (WATTERSON EXPRESSWAY) AND EAST OF NEW CUT ROAD. THE BOUNDARIES ARE GENERALLY, NEW CUT ROAD TO THE WEST, WEST KENWOOD DRIVE AND SOUTH 3RD STREET TO THE NORTH, SENECA TRAIL AND SOUTHSIDE DRIVE TO THE EAST AND PALATKA ROAD TO THE SOUTH AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-13-06).

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SPONSORED BY: COUNCILMAN DAN JOHNSON

WHEREAS, through Resolution No. 21, Series 2006, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") requested that the Louisville Metro Planning Commission hold a public hearing and make a recommendation to the Council on the proposed rezoning of property within the Kenwood Hill area; and

WHEREAS, on August 31, 2006, the Louisville Metro Planning Commission held a public hearing concerning the rezoning of property in the Kenwood Hill area; and

WHEREAS, the Council has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Docket No. 9-13-06; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Docket No. 9-13-06 and approves and accepts

23-20MB-0041

the recommendations of the Planning Commission as set out in said minutes and records;

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: That the following properties are hereby changed from R-5 Single Family Residential to R-1 Single Family Residential:

6815 CAROLYN RD.;
332 CHRIS DR.;
404, 406 HILLVIEW DR.;
7008 HOMESTEAD DR.;
5344 (REAR) LOST TRL.;
5200, 5223, 5225, 5225 (REAR), 5227, 5229, ROLLINGWOOD TRL.;
5323, 5327, 5331 (REAR) WESTHALL AVE.;
500, 501 WILDERNESS RD.;
5425, 5427, 5429, 5431 WINDING RD. and;
TAX PARCEL 062G01150000 (no address given).

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Section II: That the following properties are hereby changed from R-5 Single Family Residential to R-2 Single Family Residential:

5332, 5336 ALPINE WAY;
6812 CAROLYN RD.;
325, 327, 330, 330 (REAR) CHRIS DR.;
300, 301, 305, 307, 308, 309, 310, 311 DOGWOOD LN.;
300, 304, 308, 316, 320, 322, 324, 326, 328, 330, 336 E KENWOOD DR.;
500, 502, 504, 506 HILL RIDGE RD.;
400, 402 HILLVIEW DR.;
6804, 6806, 6808, 6810, 6812, 6814, 7002, 7004 HOMESTEAD DR.;
206, 230 A, 230 B, 230 C, 230 D, 303, 305, 308, 309, 310, 313, 320, 322,
325, 328, 329, 331, 333, 343, 364 KENWOOD HILL RD.;
5344, 5346, 5347 LOST TRL.;
206, 300, 310, 312, 313, 314, 316, 320, 328, 333, 335, 337 POSSUM
PATH;
5201, 5203, 5205, 5205 1/2, 5207, 5217, 5219, 5221, 5231, 5233, 5235,
5248, 5315, 5317, 5319, 5336, 5338, 5340, 5342 ROLLINGWOOD TRL.;
200, 206, 418 R, 418, 444 W KENWOOD DR.;
502, 503, 504, 505, 506, 507, 509, 511 WILDERNESS RD.;
5416, 5420, 5433 WINDING RD.;

and TAX PARCELS 062E00610000, 062E01220000, 062G01730000, 062G01740000, 062E00490013, 062E00340000 (no address given).

Section III: That the following properties are hereby changed from R-5 Single Family Residential to R-4 Single Family Residential:

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6713 S 3RD ST.;

5300, 5302, 5304, 5306, 5308, 5312, 5314, 5316 ALPINE WAY; 201, 203 BUSH RD.;

6703, 6705, 6707, 6709, 6711, 6715, 6719, 6809, 6811, 6813 CAROLYN RD.;

6902 COON TRL.;

101, 103, 105, 107, 201, 203, 205, 207, 208, 209, 210, 211, 212, 213, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 316, 317, 317 H, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334 E ESPLANADE AVE.;

301, 303, 305, 307, 309, 311, 315, 319, 321, 323, 325, 327, 329, 333, 335, 400 E KENWOOD DR.;

501, 503, 505, 508 HILL RIDGE RD.;

6800, 6802, 6803, 6805, 6807, 6809, 6813, 6815 HOMESTEAD DR.;

220 KENWOOD DR.;

250, 301, 302, 304, 306, 330, 332, 334, 335, 336, 337, 338, 339, 341, 356, 358, 362 KENWOOD HILL RD.;

5301, 5303, 5304, 5305, 5307, 5309, 5311, 5313, 5314, 5316, 5317, 5318, 5320, 5322, 5323, 5324, 5326, 5326 (REAR), 5328, 5328 (REAR), 5330, 5331, 5333, 5335, 5336, 5337, 5340, 5340 (REAR), 5341, 5344 (REAR), 5345 LOST TRL.;

5301, 5307, 5309, 5311, 5313, 5319, 5321, 5323, 5327, 5331, 5333, 5335, 5337, 5339, 5341, 5343, 5345, 5347, 5349, 5351, 5353, 5355, 5357, 5359, 5361, 5363, 5365, 5367, 5369, 5371, 5373, 5375, 5377, 5379 NEW CUT RD.;

807, 809, 813, 815, 821, 823, 825, 827, 829, 831, 833, 837 PALATKA RD.;

204, 323, 325, 327, 329, 331, 332, 334, 336, 338 POSSUM PATH.;

5202, 5204, 5206, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5220, 5232, 5234, 5236, 5238, 5240, 5242, 5244, 5339, 5341, 5344, 5345, 5346, 5348, 5349, 5350 ROLLINGWOOD TRL.;

6603, 6607, 6609, 6611, 6714 S 3RD ST.;

104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 136, 138, 140, 142, 144, 146, 148 R, 148, 200 SENECA TRL.;

7008, 7010, 7012, 7016, 7254, 7260 SOUTHSIDE DR.;

201, 207, 208, 209, 210, 211, 213, 215, 216, 217, 218, 219, 421, 425, W KENWOOD DR.;

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5300, 5302, 5304, 5309, 5311, 5313, 5314, 5315 R, 5315, 5316, 5317 R,
5317, 5318, 5321, 5321, 5322, 5331, 5335, 5337, 5339, 5341, 5345,
5347, 5351, 5353, 5518, 5520, 5521, 5522, 5523, 5524, 5525, 5526,
5528, 5530 WESTHALL AVE.;
5402, 5403, 5404, 5405 WILDERNESS PL.;
508, 508 (REAR), 510, 600, 601, 602, 603, 604, 605, 609, 612
WILDERNESS RD.;
98, 100, 102, 104, 106, 108, 110, 114 WOODMORE AVE.;
and TAX PARCELS 061K00020000, 062E00030006, 062E00180000,
062E00210000, 062E00470000, 062E00580000, 062E01210000,
062G01620000, 062G01680000, 062H0103PT13, 062H01540021,
062H01550000, (no address given).


Section IV: That the following properties are hereby changed from C-1


Commercial to R-5 Single Family Residential:

The rear portions of 5202, 5206, 5208, 5210, 5212, 5214, 5216 ALPINE
WAY.

Section V: This Ordinance shall take effect upon passage and approval.


Kathleen J. Herron
Metro Council Clerk

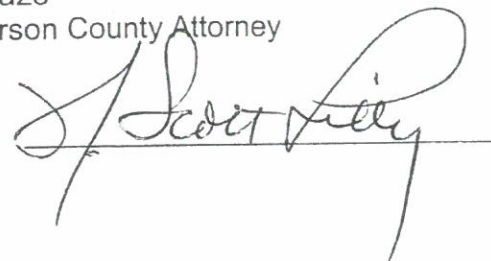

Kevin J. Kramer
President of the Council

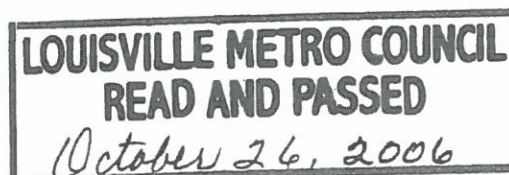

Jerry Abramson
Mayor

Approved: 10-27-06
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: 



**MINUTES OF THE NIGHT HEARING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

August 31, 2006

DOCKET NO. 9-13-06

A meeting of the Louisville Metro Planning Commission was held on Thursday, August 31, 2006 at 6:00 P.M. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Sue Ernst, Chairman
Chief Richard Carlson, Vice Chairman
Lula Howard
Marshall Abstain
Barry Queenan
Yvonne Wells-Hatfield
Susan Hamilton
Mike Jones
Donnie Blake
Jim Adkins, Metro Engineer

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Staff Members present:

Charles Cash, Director, Planning and Design Services
Dawn Warrick, Assistant Director, Planning and Design Services
Ed Mellett, Planning and Design Services
Henrietta M. Holland Management Assistant (Minutes)

Other present:

Bill Pike (Courier Journal)

23-20NE-0011

**MINUTES OF THE NIGHT HEARING
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August 31, 2006

DOCKET NO. 9-13-06

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The following matters were considered

Docket # 9-13-06

Project Name:

Kenwood Hill Area Wide Rezoning

Location:

Various Addresses

Owner/Applicant:

Metro Planning and Design

Engineer/Designer:

Not Applicable

Project Size/Area:

336.659 acres (73.59 unchanged)

Form District:

Traditional Neighborhood and Neighborhood

Zoning District:

R-5 and C-1

Jurisdiction:

Metro Louisville

Council District:

Council District 21, Dan Johnson

Case Manager:

Edwin W. Mellett, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the meeting, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file, maintained in Planning and Development Services offices, 900 Fiscal Court Building.)

The following matters were considered

The Following Spoke in favor of this request:

Beverly A. Wheatley, 343 Kenwood Hill Rd. Louisville, KY

Stefanie Buzar, 230 Kenwood Hill Rd. Louisville, KY

Ed Mellett presented his case with the following information and presentation to the commissioners. Rezoning from C-1 Commercial to R-5 Single Family Residential and form R-5 Single Family Residential to R-1, R-2 and R-4 single Family Residential.

23-ZONE-0041

**MINUTES OF THE NIGHT HEARING
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LOUISVILLE METRO PLANNING COMMISSION**

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The rezoning is supported. It will reduce the development potential in a manner that supports the neighborhood's and comprehensive plan's goal of protecting environmentally sensitive land from excessive development without adequate review.

Additional information was presented by Ed Mellett. The Kenwood Hill Neighborhood is located south of Hwy 264 (Watterson) and east of New Cut Road. The boundaries are generally, New Cut Road to the west, West Kenwood Drive and S. 3rd Street to the north, Seneca Trail and Southside Drive to the east and Palatka Road to the south. The area is almost entirely residentially developed, primarily with single-family homes. There are several historically significant structures located within this area. The terrain is moderate to steeply sloping, providing significant and attractive views, while also suffering the condition due to drainage problems and unstable soils that are prone to mass wasting and erosion. Narrow, winding streets provide access to the area with only a limited number of sidewalks for pedestrian mobility.

Staff also met with representatives of the Kenwood Hill neighborhood. The neighbors served as consultants to staff, ensuring that our assumptions and understanding of the conditions of the area were accurately reflected in the study. They provided further assistance in gathering and field checking additional site-specific data, including photographs and background on the various meetings and efforts that the neighbors had initiated in relation to this study.

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map to incorporate findings of the Kenwood Hill Rezoning Study (September 2005) is in accordance with **Community Form/Land Use Guideline** (Community Form) 1.A.2 parts a), c) and e), and Guideline 1.B.2., and Guideline 1.B. 3., providing further guidance on the development of village form district standards and by providing recommendations to strengthen the Traditional Neighborhood and Neighborhood form districts; and

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map is in accordance with Guideline 3.3 and 3.23 , (Compatibility) by recommendations related to the application of zoning districts that promote development that is compatible to Traditional Neighborhood and Neighborhood form district; and

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August 31, 2006

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WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map is in accordance with Guideline 5.1 and 5.6 (Natural Areas and Scenic and Historic Resources) by encouraging development that respects the natural features of the site and avoid, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation; and

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map is in accordance with Guideline 7 (Circulation) by ensuring that new developments will not exceed the carrying capacity of streets; and

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map is in accordance with Guideline 10 (parts 1, 3, 7, 10 and 11) (Flooding and Storm water) by recommending lower potential densities for any new development to reduce impervious surfaces; and Mitigate negative development impacts to the watershed and its capacity to transport and accommodate storm water; and

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map is in accordance with Guideline 11 part 3 by encouraging lower density development that will prevent erosion and help control sedimentation; and

WHEREAS, the proposed Kenwood Hill Area Wide amendment to the Zoning District Map was endorsed by the affected property owners and there were no persons speaking in opposition to the proposal; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of the Louisville/Jefferson County Metro Government that the change in zoning from R-5 Single Family Residential and C-1 Commercial to R-1, R-2 R-4 and R-5 on property described in the attached legal description be **APPROVED**.

23-2DUE-00011

**MINUTES OF THE NIGHT HEARING
OF THE
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August 31, 2006

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The vote was as follows: On a motion by Chief Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed Wide Rezoning for Docket No. 9-13-06 **subject to the above listed conditions of approval as recommended in the staff report.**

YES: Commissioners Ernst, Howard, Abstain, Queenan, Wells-Hatfield, Hamilton, Blake, Jones, and Carlson.

NO: No one.

ABSTAINING: Jim Adkins.

9-13-06 Kenwood Hill Area Wide Rezoning Legal Description:

Ordinance for an area-wide rezoning from R-5 single family residential to R-1 single family residential on the following properties:

6815 CAROLYN RD.;
332 CHRIS DR.;
404, 406 HILLVIEW DR.;
7008 HOMESTEAD DR.;
5344 (REAR) LOST TRL.;
5200, 5223, 5225, 5225 (REAR), 5227, 5229, ROLLINGWOOD TRL.;
5323, 5327, 5331(REAR) WESTHALL AVE.;
500, 501 WILDERNESS RD.;
5425, 5427, 5429, 5431 WINDING RD. and;
TAX PARCEL 062G01150000 (no address given).

And; from R-5 single family residential to R-2 single family residential on the following properties:

5332, 5336 ALPINE WAY;
6812 CAROLYN RD.;
325, 327, 330, 330 (REAR) CHRIS DR.;
300 , 301 , 305 , 307 , 308 , 309 , 310 , 311 DOGWOOD LN.;
300, 304, 308, 316, 320, 322, 324, 326, 328, 330, 336 E KENWOOD DR.;
500, 502, 504, 506 HILL RIDGE RD.;
400, 402 HILLVIEW DR.;
6804, 6806, 6808, 6810, 6812, 6814, 7002, 7004 HOMESTEAD DR.;
206, 230 A, 230 B, 230 C, 230 D, 303, 305, 308, 309, 310, 313, 320, 322, 325,
328, 329, 331, 333, 343, 364 KENWOOD HILL RD.;
5344, 5346, 5347 LOST TRL.;
206, 300, 310, 312, 313, 314, 316, 320, 328, 333, 335, 337 POSSUM PATH;

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**MINUTES OF THE NIGHT HEARING
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5201, 5203, 5205, 5205 1/2, 5207, 5217, 5219, 5221, 5231, 5233, 5235, 5248,
5315, 5317, 5319, 5336, 5338, 5340, 5342 ROLLINGWOOD TRL.;
200, 206, 418 R, 418, 444 W KENWOOD DR.;
502, 503, 504, 505, 506, 507, 509, 511 WILDERNESS RD.;
5416, 5420, 5433 WINDING RD.;
and TAX PARCELS 062E00610000, 062E01220000, 062G01730000,
062G01740000, 062E00490013, 062E00340000 (no address given).

**And; from R-5 single family residential to R-4 single family residential on
the following properties:**

6713 S 3RD ST.;
5300, 5302, 5304, 5306, 5308, 5312, 5314, 5316 ALPINE WAY;
201, 203 BUSH RD.;
6703, 6705, 6707, 6709, 6711, 6715, 6719, 6809, 6811, 6813 CAROLYN RD.;
6902 COON TRL.;
101, 103, 105, 107, 201, 203, 205, 207, 208, 209, 210, 211, 212, 213, 300, 301,
302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 316, 317, 317 H,
318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333,
334 E ESPLANADE AVE.;
301, 303, 305, 307, 309, 311, 315, 319, 321, 323, 325, 327, 329, 333, 335, 400 E
KENWOOD DR.;
501, 503, 505, 508 HILL RIDGE RD.;
6800, 6802, 6803, 6805, 6807, 6809, 6813, 6815 HOMESTEAD DR.;
220 KENWOOD DR.;
250, 301, 302, 304, 306, 330, 332, 334, 335, 336, 337, 338, 339, 341, 356, 358,
362 KENWOOD HILL RD.;
5301, 5303, 5304, 5305, 5307, 5309, 5311, 5313, 5314, 5316, 5317, 5318, 5320,
5322, 5323, 5324, 5326, 5326 (REAR), 5328, 5328 (REAR), 5330, 5331, 5333,
5335, 5336, 5337, 5340, 5340 (REAR), 5341, 5344 (REAR), 5345 LOST TRL.;
5301, 5307, 5309, 5311, 5313, 5319, 5321, 5323, 5327, 5331, 5333, 5335, 5337,
5339, 5341, 5343, 5345, 5347, 5349, 5351, 5353, 5355, 5357, 5359, 5361, 5363,
5365, 5367, 5369, 5371, 5373, 5375, 5377, 5379 NEW CUT RD.;
807, 809, 813, 815, 821, 823, 825, 827, 829, 831, 833, 837 PALATKA RD.;
204, 323, 325, 327, 329, 331, 332, 334, 336, 338 POSSUM PATH.;
5202, 5204, 5206, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5220,
5232, 5234, 5236, 5238, 5240, 5242, 5244, 5339, 5341, 5344, 5345, 5346, 5348,
5349, 5350 ROLLINGWOOD TRL.;
6603, 6607, 6609, 6611, 6714 S 3RD ST.;
104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 136,
138, 140, 142, 144, 146, 148 R, 148, 200 SENECA TRL.;
7008, 7010, 7012, 7016, 7254, 7260 SOUTHSIDE DR.;

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**MINUTES OF THE NIGHT HEARING
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August 31, 2006

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201, 207, 208, 209, 210, 211, 213, 215, 216, 217, 218, 219, 421, 425, W
KENWOOD DR.;
5300, 5302, 5304, 5309, 5311, 5313, 5314, 5315 R, 5315, 5316, 5317 R, 5317,
5318, 5321, 5321, 5322, 5331, 5335, 5337, 5339, 5341, 5345, 5347, 5351, 5353,
5518, 5520, 5521, 5522, 5523, 5524, 5525, 5526, 5528, 5530 WESTHALL AVE.;
5402, 5403, 5404, 5405 WILDERNESS PL.;
508, 508 (REAR), 510, 600, 601, 602, 603, 604, 605, 609, 612 WILDERNESS
RD.;
98, 100, 102, 104, 106, 108, 110, 114 WOODMORE AVE.; and TAX PARCELS
061K00020000, 062E00030006, 062E00180000, 062E00210000,
062E00470000, 062E00580000, 062E01210000, 062G01620000,
062G01680000
062H0103PT13, 062H01540021, 062H01550000, (no address given).

And; from C-1 Commercial to R-5 single family residential on the following
properties:

The rear portions of 5202, 5206, 5208, 5210, 5212, 5214, 5216 ALPINE WAY

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given.

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

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MINUTES OF THE NIGHT HEARING
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LOUISVILLE METRO PLANNING COMMISSION

August 31, 2006

DOCKET NO. 9-13-06

Chairman

Director

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23-2006-0041

DOCKET
THE LOUISVILLE METRO PLANNING COMMISSION
OLD JAIL BUILDING
514 WEST LIBERTY STREET
LOUISVILLE, KY 40202
THURSDAY, AUGUST 31, 2006 – 6:00 P. M.

TENTATIVE AGENDA

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(1) DOCKET NO. 9-13-06

Project Name:	Kenwood Hill Area wide Rezoning
Location:	Various Addresses
Owner/Applicant:	Metro Planning and Design
Engineer/Designer:	Not Applicable
Project Size/Area:	336.659 acres (73.59 unchanged)
Form District:	Traditional Neighborhood and Neighborhood
Zoning District:	R-5 and C-1
Jurisdiction:	Metro Louisville
Council District:	21 – Dan Johnson
Staff Case Manager:	Ed Mellett, Planner II

ADJOURNMENT

23-2012-0041

Staff Report

DATE, August 31, 2006

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Case:	9-13-06
Project Name:	Kenwood Hill Area Wide Rezoning
Location:	Various Addresses
Owner/Applicant:	Metro Planning and Design
Engineer/Designer:	Not Applicable
Project Size/Area:	336.659 acres (73.59 unchanged)
Form District:	Traditional Neighborhood and Neighborhood
Zoning District:	R-5 and C-1
Jurisdiction:	Metro Louisville
Council District:	Council District 21, Dan Johnson
Case Manager:	Edwin W. Mellett, Planner II

Request

Rezoning from C-1 Commercial to R-5 Single Family Residential and from R-5 Single Family Residential to R-1, R-2 and R-4 Single Family Residential.

Staff Recommendation

The rezoning is supported. It will reduce the development potential in a manner that supports the neighborhood's and Comprehensive Plan's goal of protecting environmentally sensitive land from excessive development without adequate review.

Case Summary / Background

Summary

At the direction of Metro Council, through a resolution (#97-2005) signed by Mayor Abramson on April 29, 2005, Planning Commission staff were directed "to study a proposal for an area wide rezoning from R-5, Residential Single Family to R-4, Residential Single Family in the Kenwood Hill Area."

Staff compiled research and created graphics to aid in the evaluation of the requested down zoning action. After initial review, staff expanded the study area beyond the specific petition area. The purpose for this was to allow for a more meaningful and comprehensive look at this part of the community and the

August 31, 2006

9-13-06

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properties surrounding the petition boundary, which have the same characteristics and challenges of the petitioned properties.

Once a draft study was completed, staff met with representatives of the Kenwood Hill Neighborhood. The neighbors served as consultants to staff, ensuring that our assumptions and understanding of the conditions of the area were accurately reflected in the study. They provided further assistance in gathering and field checking additional site-specific data, including photographs and background on the various meetings and efforts that the neighbors had initiated in relation to this study.

The final study provides background as to the creation of this neighborhood through several decades of subdivision development. It discusses the context in which these subdivisions were built, including the historic as well as environmental conditions prevalent in the area. Current zoning and form districts applied to the area are evaluated, with reference to additional development potential on larger and/or vacant tracts.

Staff conclusions and recommendations support the intent of the request to downzone the area to an R-4 designation. This action, however, will not deliver the desired result of limiting new development to a level that can be supported by current infrastructure. Staff does recommend an area-wide rezoning based upon modification of one of the two rezoning scenarios presented in the background study. Each would have included down zoning all of the existing R-5 property, to a range of different zoning districts.

The final draft version (May 31, 2006) recommended for the area does not rezone all of the R-5 zoning in an effort to reduce but not eliminate lots that would become non-conforming due to the rezoning. In this scenario, the resultant mix of zoning on the total study area (336.659 acres) will have the following distribution:

Recommended Zoning District	Recommended Scenario Lot Area Only Acreages	Recommended Rezoning Lot and ROW Acreages
R-1	37.75	39.12
R-2	69.52	77.81
R-4	116.45	145.27
R-5	.88	.88
R-5 No Change	55.76	73.58
C-1 No Change	.01	.01
Total	280.38	336.66

The lots that would be made non-conforming by this rezoning are primarily in the proposed R-2 category. The non-conforming R-2 lots are generally large enough to allow variance-based changes (with a public hearing). As the table below












August 31, 2006

9-13-06

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23-ZONE-0041

shows, there would be 55 newly created nonconforming lots and 54 that were already substandard in the original or remaining R-5 zoning.

KEY	Nonconformity	Count
	C-1 sign	1
	Conforming R-1	20
	Non Conforming R-1	2
	Conforming R-2	79
	Non Conforming R-2	32
	Non Conforming R-2 and R-5	2
	Conforming R-4	308
	Non Conforming R-4	21
	Non Conforming R-4 and R-5	7
	Conforming R-5	241
	Non Conforming R-5	45

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Variances

Not applicable

Site Context

The Kenwood Hill neighborhood is located south of Hwy 264 (Watterson) and east of New Cut Road. The boundaries are generally, New Cut Road to the west, West Kenwood Drive and S. 3rd Street to the north, Seneca Trail and Southside Drive to the east and Palatka Road to the south. The area is almost entirely residentially developed, primarily with single-family homes. There are several historically significant structures located within this area. The terrain is moderate to steeply sloping, providing significant and attractive views, while also suffering the condition due to drainage problems and unstable soils that are prone to mass wasting and erosion. Narrow, winding streets provide access to the area with only a limited number of sidewalks for pedestrian mobility.

Background

A group of neighbors in the Kenwood Hill area began discussing possible developmental controls for their neighborhood in the spring of 2002. At that time, an overlay review district was considered as a means of ensuring compatibility of new development with existing homes/properties in the area.

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The neighbors, primarily supported by the Iroquois Civic Club-Neighborhood Association began to rally interest and held a community meeting in the summer of 2002 to specifically discuss the possibility of an overlay district.

In the fall of 2004, the group began to work on the idea of designating a preservation district. Also around this time, the neighborhood engaged an attorney to review the R-5 zoning designation applied to the majority of the property. The resulting recommendation was to seek a moratorium on future development activity within the neighborhood.

After further discussions and consideration within the Neighborhood Association determined that a moratorium was not a viable option. A petition to downzone the area to R-4 was initiated in the spring of 2005. In April 2005, a petition was presented to the Planning & Zoning Committee of the Metro Council for consideration.

Land Use / Zoning District / Form District			Form District
	Land Use	Zoning	
Subject			
Existing	Single Family Residential Church Private School, park land	C-1, R-5	TN, N
Proposed	No change	R-1, R-2, R-4, R-5	TN, N
Surrounding			
North	Single Family Residential Church Commercial	C-1, R-5	TN
South	Single and Multiple Family Residential Commercial	C-1, R-5, R-4, R-6, R-7, OR-1 OR-2	N
East	Single Family Residential Commercial, Industrial	C-1, OR-2	N
West	Single and Multiple Family Residential Commercial and major park	R-1, R-5, R8-A, OR-1	N

Project History

Staff Findings

Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:

(Refer also to Appendix I: Cornerstone 2020 Goals And Objectives/Guidelines of Kenwood Hill Rezoning Study and Recommendations; September 30, 2005 for a list of specific Goals, Objectives and Policies of the Cornerstone 2020 Plan that support this rezoning.)

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Community Form

The intent of this plan element is to ensure that land use decisions preserve and improve identified, existing and emerging patterns of development. While the northwest edge of the study area adjoins and even includes a neighborhood serving (C-1) commercial district, the core of the neighborhood is developed with single-family homes. The varying lot sizes are the result of the area developing over several decades and under different land development regulations.

Subdivisions within the study area were developed between 1927 and 1968. In evaluating the resulting land use patterns and infrastructure improvements, it is clear that this area was not intended to support higher densities, nor was it established in a manner that would make it an appropriate candidate for higher density infill.

Preservation of building sites, districts, landscapes and other features is a key directive relating to natural areas and historic resources. The form of the subject neighborhood protects existing cultural and historical resources, including the four properties, which are designated on the National Register of Historic Places.

Marketplace

The Marketplace element of Cornerstone 2020 speaks to the function of land within the community and the ability to review proposals for development or zoning changes. One key directive of this element is the necessary provision of access for the purpose of moving goods, services and people throughout the community. Any review for new development within the study area would surely result in the need for infrastructure (drainage, street, sidewalk, etc.) improvements.

Mobility / Transportation

Achieving the goals of the Mobility and Transportation element of Cornerstone 2020 in the study area would prove to be very challenging under current conditions. The streets are narrow and some are considerably steep. Minimizing impact on these streets includes limiting the amount of new development that may access this infrastructure as well as ensuring, through zoning, that only lower density residential or similar, compatible uses are established within the neighborhood where vacant property currently exists. Improving streets fully to current standards could diminish the quality of the experience of this area, however, even under current conditions, improvements are needed to stabilize the transportation system of both streets and sidewalks.

Livability / Environment

Maintaining the unique character of the neighborhood, with specific reference to the terrain and the environmental issues that result, is a primary concern of this study. The slopes and soils present in the Kenwood Hill area cause the need for carefully engineered developments. Any new development will impact existing, established structures, uses and infrastructure. Environmental concerns provide

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the primary basis for the requested down zoning and are specifically addressed within the study.

Community Facilities

Existing infrastructure in the study area is not adequate to handle a significant amount of infill development. Many roadways have substandard widths, lack sidewalks and adequate drainage facilities.

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)

N/A

Technical Review

Standard of Review

Attached Documents / Information

Kenwood Hill Rezoning Study
Recommended Rezoning Map
Resultant Nonconforming Lots

Notification

The following forms of notification were provided pertaining to this proposal:


Date	Description	Recipients
March 21, 2006 April 11, 2006	Presentation to Kenwood Hill Neighborhood Association leadership	Barbara Nichols, Beverly Wheatley, Robin Amsbary, Rosemary and Gary McCandless, Tony and Stephanie Buzan
May 16, 2006	Informational Meeting	Property owners & Neighborhood Groups
Not applicable – only setting public hearing date	LD&T notice	Property owners & Neighborhood Groups
	Public Hearing Notice	Property owners & Neighborhood Groups

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23-EDNE-0041



May 31, 2006 Final Rezoning Recommendation

-  C-1 no change
- R-5 to R-4
- R-5 to R-2
- R-5 to R-4
- R-5 no change or C-1 to R-5

[illegible]

Lower-limb stiffness is very low in
flexion (200 N/m) & increases in the
standing, 50° and 90° postural angles.

Lower-limb stiffness is high in the
extension (4000 N/m) because
it originates from the

The goal of this study was to investigate the importance of transmittance in selection of key way sections, dimensions of geometry (including groove coupling and tapering), of key way locations (channel structure of system, strength in materials, accuracy of surface) by ISO.

2 parts, 2. medical
Chapter 17

August 31, 2006
9-13-06
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23-20NE-0041

PLANNING
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**Kenwood Hill Rezoning
Final Recommendation
May 31, 2006**



KEY	Nonconformity	Count
	W-1 signs	5
	Exterioring B-1	29
	Non Exterioring B-1	2
	Exterioring B-3	79
	Non Exterioring B-3	32
	Non Exterioring B-3 and B-1	2
	Exterioring B-6	388
	Non Exterioring B-6	31
	Non Exterioring B-6 and B-6	7
	Cornering B-6	241
	Non Cornering B-6	46

[illegible]

Expenditures for the year are \$100,000,000. The company has a 10% interest in the subsidiary, which is a 100% owned subsidiary. The company has a 10% interest in the subsidiary, which is a 100% owned subsidiary. The company has a 10% interest in the subsidiary, which is a 100% owned subsidiary.

[illegible]

August 31, 2006

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23-2017-0041

9-13-06 Kenwood Hill Area Wide Rezoning:

Ordinance for an area-wide rezoning from R-5 single family residential to R-1 single family residential on the following properties:

6815 CAROLYN RD.;
332 CHRIS DR.;
404, 406 HILLVIEW DR.;
7008 HOMESTEAD DR.;
5344 (REAR) LOST TRL.;
5200, 5223, 5225, 5225 (REAR), 5227, 5229, ROLLINGWOOD TRL.;
5323, 5327, 5331 (REAR) WESTHALL AVE.;
500, 501 WILDERNESS RD.;
5425, 5427, 5429, 5431 WINDING RD. and;
TAX PARCEL 062G01150000 (no address given).

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DESIGN DEPT

And; from R-5 single family residential to R-2 single family residential on the following properties:

5332, 5336 ALPINE WAY ;
6812 CAROLYN RD.;
325, 327, 330, 330 (REAR) CHRIS DR.;
300 , 301 , 305 , 307 , 308 , 309 , 310 , 311 DOGWOOD LN.;
300, 304, 308, 316, 320, 322, 324, 326, 328, 330, 336 E KENWOOD DR.;
500, 502, 504, 506 HILL RIDGE RD.;
400, 402 HILLVIEW DR.;
6804, 6806, 6808, 6810, 6812, 6814, 7002, 7004 HOMESTEAD DR.;
206, 230 A, 230 B, 230 C, 230 D, 303, 305, 308, 309, 310, 313, 320, 322, 325, 328, 329, 331,
333, 343, 364 KENWOOD HILL RD.;
5344, 5346, 5347 LOST TRL.;
206, 300, 310, 312, 313, 314, 316, 320, 328, 333, 335, 337 POSSUM PATH ;
5201, 5203, 5205, 5205 1/2, 5207, 5217, 5219, 5221, 5231, 5233, 5235, 5248, 5315, 5317, 5319,
5336, 5338, 5340, 5342 ROLLINGWOOD TRL.;
200, 206, 418 R, 418, 444 W KENWOOD DR.;
502, 503, 504, 505, 506, 507, 509, 511 WILDERNESS RD.;
5416, 5420, 5433 WINDING RD.;
and TAX PARCELS 062E00610000, 062E01220000, 062G01730000, 062G01740000,
062E00490013, 062E00340000 (no address given).

And; from R-5 single family residential to R-4 single family residential on the following properties:

6713 S 3RD ST.;
5300, 5302, 5304, 5306, 5308, 5312, 5314, 5316 ALPINE WAY;
201, 203 BUSH RD.;
6703, 6705, 6707, 6709, 6711, 6715, 6719, 6809, 6811, 6813 CAROLYN RD.;
6902 COON TRL.;
101, 103, 105, 107, 201, 203, 205, 207, 208, 209, 210, 211, 212, 213, 300, 301, 302, 303, 304,
305, 306, 307, 309, 310, 311, 312, 313, 314, 316, 317, 317 H, 318, 319, 320, 321, 322, 323, 324,
325, 326, 327, 328, 329, 330, 331, 332, 333, 334 E ESPLANADE AVE.;
301, 303, 305, 307, 309, 311, 315, 319, 321, 323, 325, 327, 329, 333, 335, 400 E KENWOOD
DR.;
501, 503, 505, 508 HILL RIDGE RD.;
6800, 6802, 6803, 6805, 6807, 6809, 6813, 6815 HOMESTEAD DR.;
220 KENWOOD DR.;
250, 301, 302, 304, 306, 330, 332, 334, 335, 336, 337, 338, 339, 341, 356, 358, 362 KENWOOD
HILL RD.;

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23-2006-0001

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5301, 5303, 5304, 5305, 5307, 5309, 5311, 5313, 5314, 5316, 5317, 5318, 5320, 5322, 5323, 5324, 5326, 5326 (REAR), 5328, 5328 (REAR), 5330, 5331, 5333, 5335, 5336, 5337, 5340, 5340 (REAR), 5341, 5344 (REAR), 5345 LOST TRL.;

5301, 5307, 5309, 5311, 5313, 5319, 5321, 5323, 5327, 5331, 5333, 5335, 5337, 5339, 5341, 5343, 5345, 5347, 5349, 5351, 5353, 5355, 5357, 5359, 5361, 5363, 5365, 5367, 5369, 5371, 5373, 5375, 5377, 5379 NEW CUT RD.;

807, 809, 813, 815, 821, 823, 825, 827, 829, 831, 833, 837 PALATKA RD.;

204, 323, 325, 327, 329, 331, 332, 334, 336, 338 POSSUM PATH.;

5202, 5204, 5206, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5220, 5232, 5234, 5236, 5238, 5240, 5242, 5244, 5339, 5341, 5344, 5345, 5346, 5348, 5349, 5350 ROLLINGWOOD TRL.;

6603, 6607, 6609, 6611, 6714 S 3RD ST.;

104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 136, 138, 140, 142, 144, 146, 148 R, 148, 200 SENECA TRL.;

7008, 7010, 7012, 7016, 7254, 7260 SOUTHSIDE DR.;

201, 207, 208, 209, 210, 211, 213, 215, 216, 217, 218, 219, 421, 425, W KENWOOD DR.;

5300, 5302, 5304, 5309, 5311, 5313, 5314, 5315 R, 5315, 5316, 5317 R, 5317, 5318, 5321, 5321, 5322, 5331, 5335, 5337, 5339, 5341, 5345, 5347, 5351, 5353, 5518, 5520, 5521, 5522, 5523, 5524, 5525, 5526, 5528, 5530 WESTHALL AVE.;

5402, 5403, 5404, 5405 WILDERNESS PL.;

508, 508 (REAR), 510, 600, 601, 602, 603, 604, 605, 609, 612 WILDERNESS RD.;

98, 100, 102, 104, 106, 108, 110, 114 WOODMORE AVE.;

and TAX PARCELS 061K00020000, 062E00030006, 062E00180000, 062E00210000, 062E00470000, 062E00580000, 062E01210000, 062G01620000, 062G01680000

062H0103PT13, 062H01540021, 062H01550000, (no address given).

And; from C-1 Commercial to R-5 single family residential on the following properties:

The rear portions of 5202, 5206, 5208, 5210, 5212, 5214, 5216 ALPINE WAY

August 31, 2006

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23-ZONE-0041

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9-13-06 Kenwood Hill Area Wide Rezoning

■ **Case:** 9-13-06

■ **Project Name:** Kenwood Hill Area Wide Rezoning

■ **Location:** Area bounded generally by – W. Kenwood Dr., S 3rd Street, Seneca Trail, Southside Drive, Palatka Rd. and New Cut Rd.

■ **Owner(s):** Multiple – see petition and map info.

■ **Project Size/Area:** 336.659 acres

■ **Jurisdiction:** Louisville Metro Government

■ **Council District:** 21 – Dan Johnson

■ **Case Manager:** Edwin W. Mellett

■ **Planner II**

23-2018-0041

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Kenwood Hill Background

Kenwood Hill's development began as a summer retreat area for wealthy urban dwellers seeking to escape Louisville's summer heat. In the late 19th century they built log cabins and much more substantial homes on the wooded hillsides. The early construction paralleled the City's purchase and development of the nearby land that was to become Iroquois Park.

Major subdivision of land on the hill culminated in 1968 with the final section of Kenwood Estates.

Early development failed to take drainage and the steep, forested hills into account. Severe water runoff problems and extensive soil erosion developed, damaging the remaining forest, roads and house foundations.

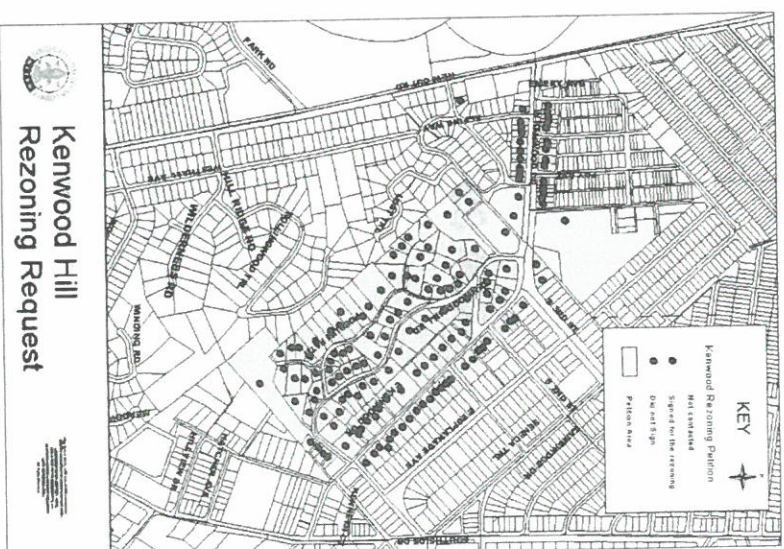
23-20 ME-0041

Kenwood Hill Background

Kenwood Hill residents began discussing possible developmental controls for their neighborhood in the spring of 2002. Various meetings were held over the next 3 years concerning this issue and a petition circulated requesting a zoning change. It was not until April 29, 2005 that Planning Commission staff were directed by the Metro Council to:

“study a proposal for an area wide rezoning from R-5, Residential Single Family to R-4, Residential Single Family in the Kenwood Hill Area.”

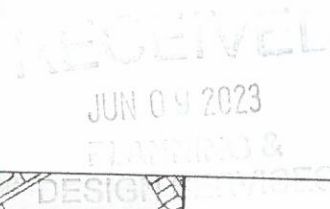
Staff compiled research and created graphics to aid in the evaluation of the requested down zoning action. After initial review, the staff expanded the study area beyond the petition area to comprehensively look at surrounding properties on Kenwood Hill with the same environmental limitations and zoning.



Petition Area

23-200E-0041

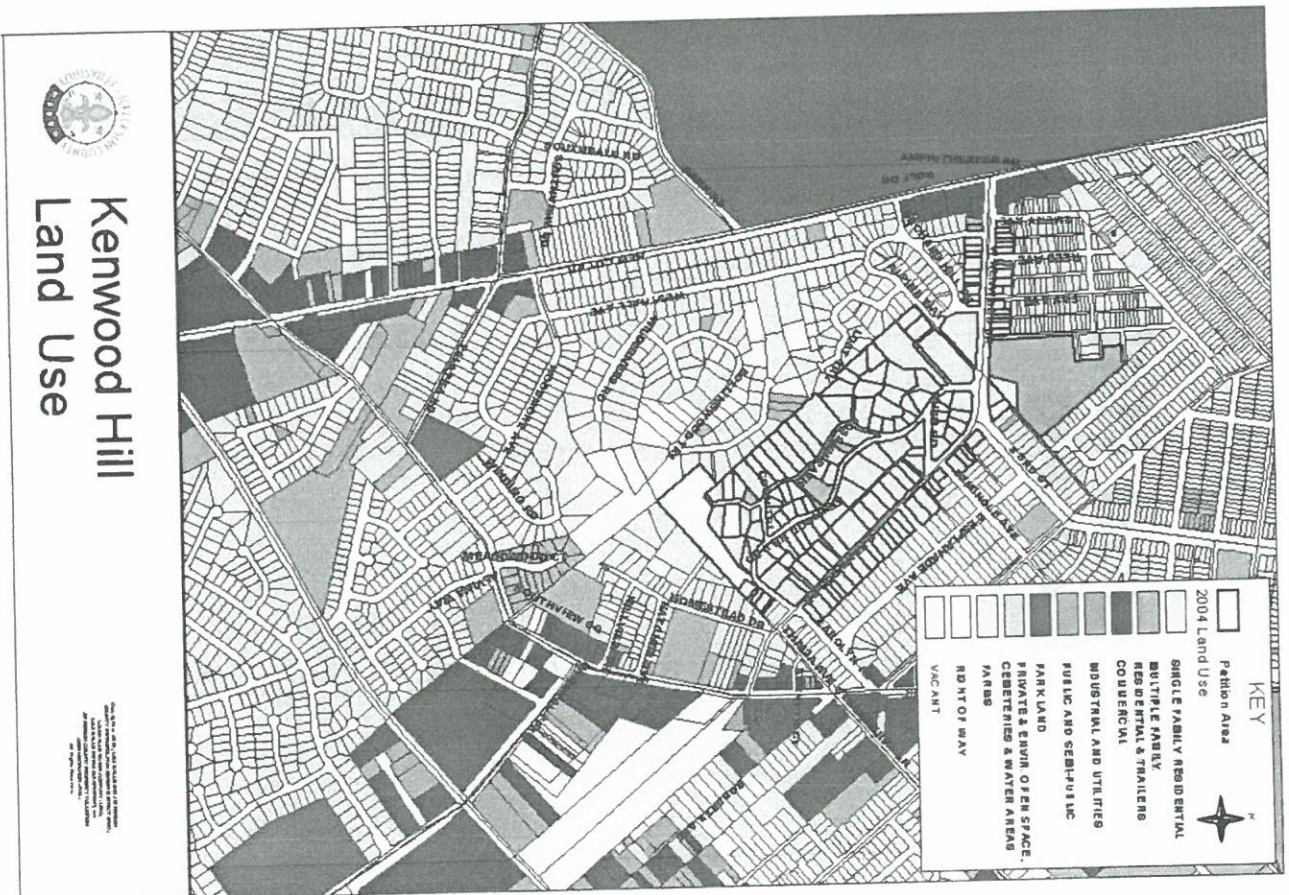
23-2021E-0041



Kenwood Hill

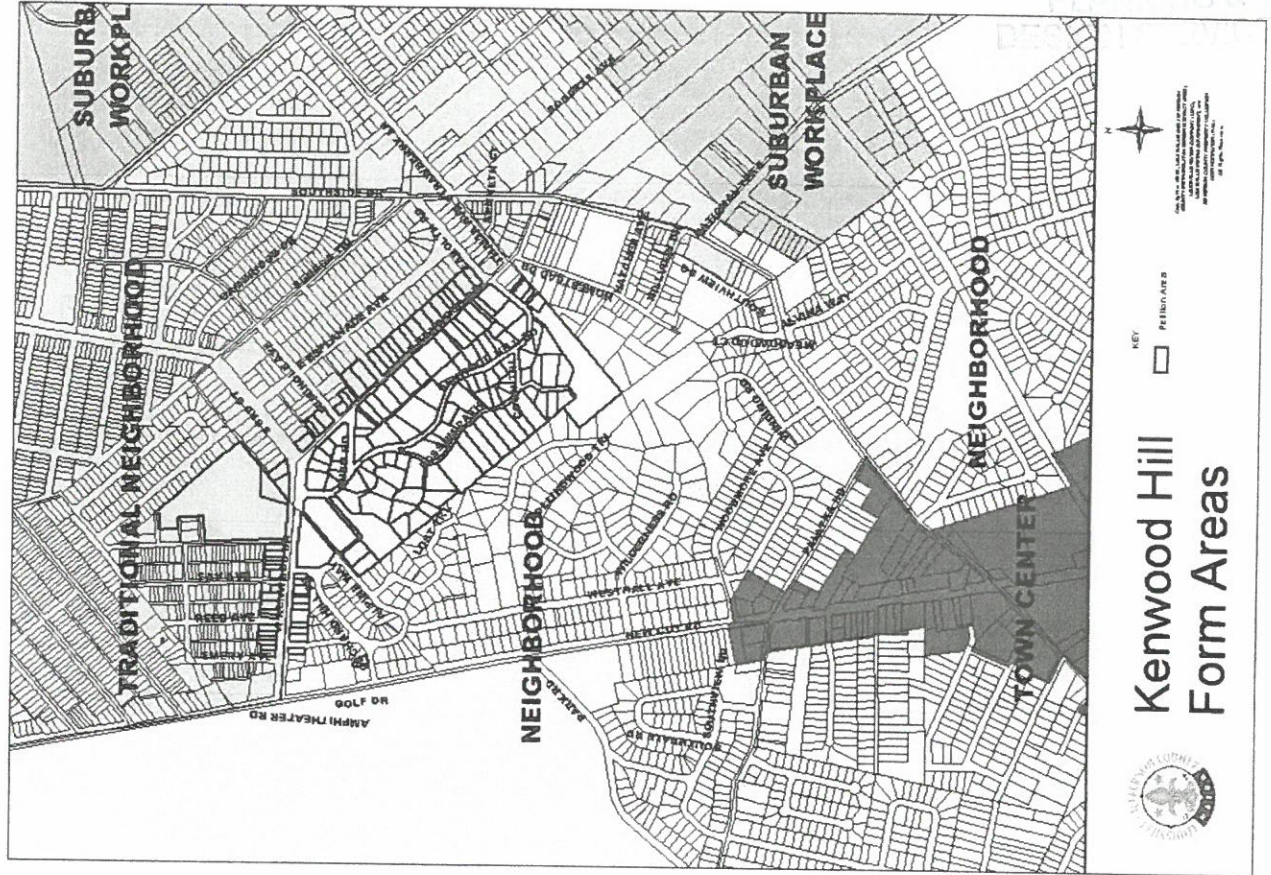
Existing Generalized Land Use

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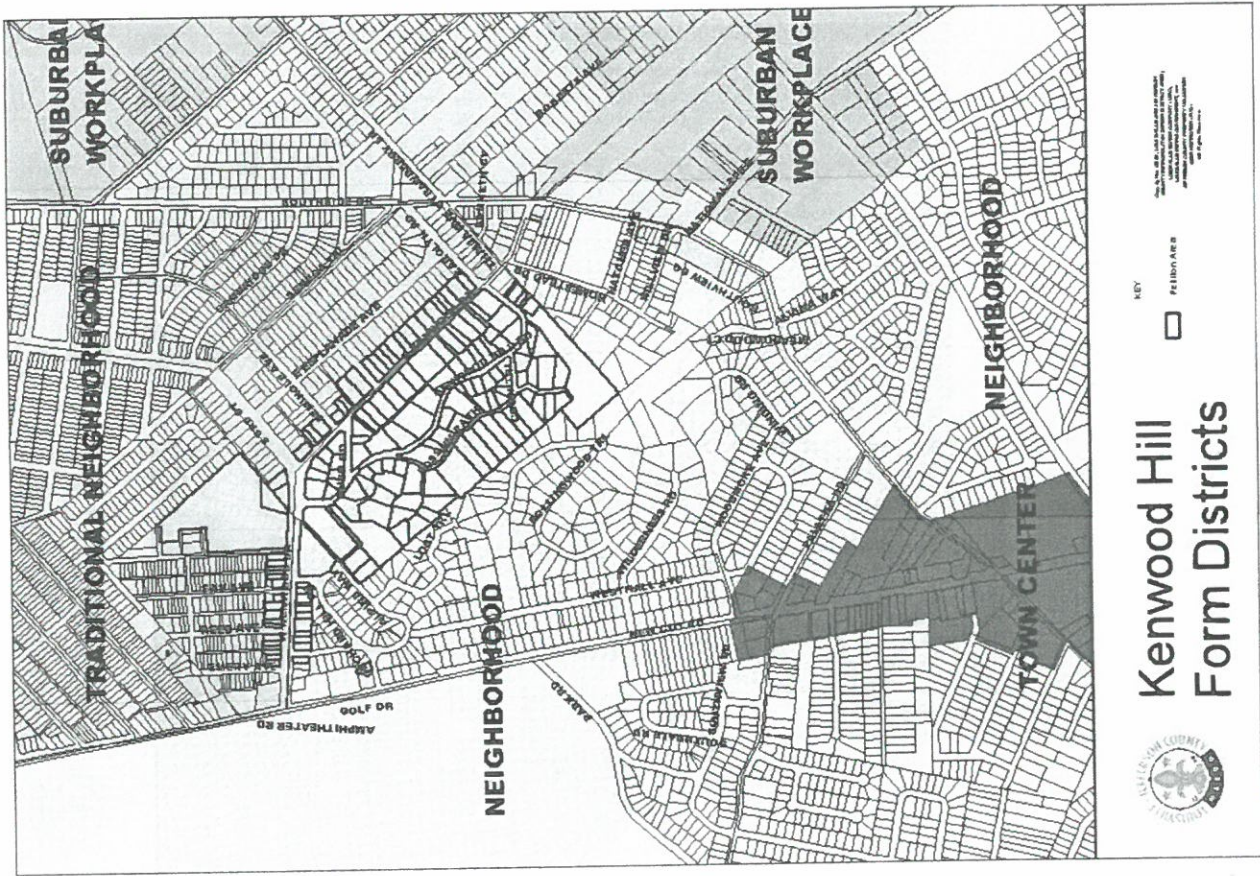
23-ZONE-0041

Kenwood Hill Existing Form Areas



23-ZONE-001

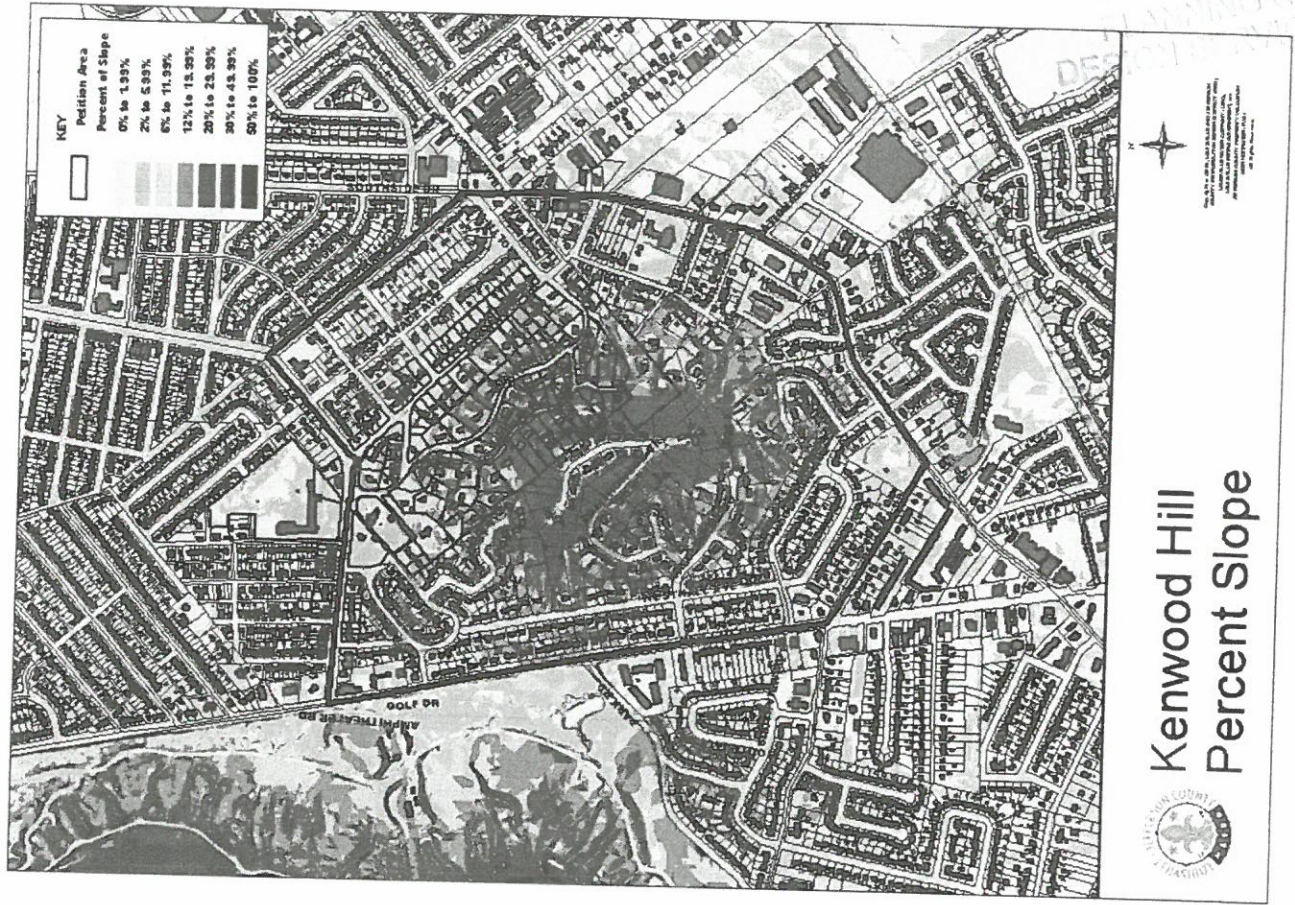
Kenwood Hill Existing Form Districts



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DEPARTMENT

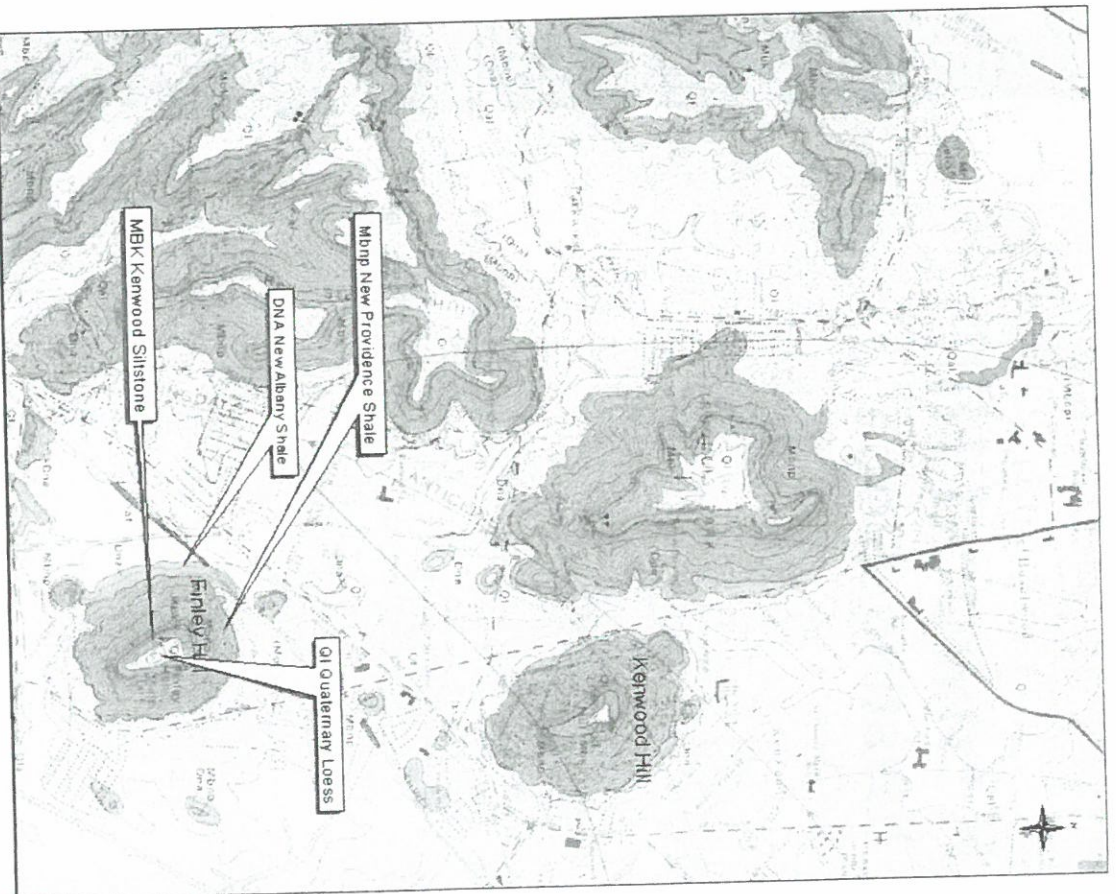
23-2011-0011

Kenwood Hill Existing Slope



Finley and Kenwood Hill Underlying Geology

Soils information for Kenwood Hill is not available from the Soil Conservation Service (urbanized area). Areas impacted by unstable soils has been inferred from comparison to the underlying geology of nearby Finley Hill where soils information is available

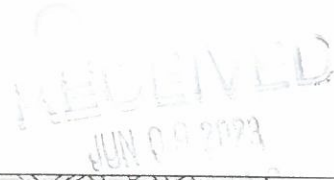


**Finley and Kenwood
Hills Geology**

This map was prepared by the City of Knoxville, Tennessee, and is not to be used for any other purpose without the written consent of the City of Knoxville. The City of Knoxville is not responsible for any errors or omissions in this map.

23-200F-0041

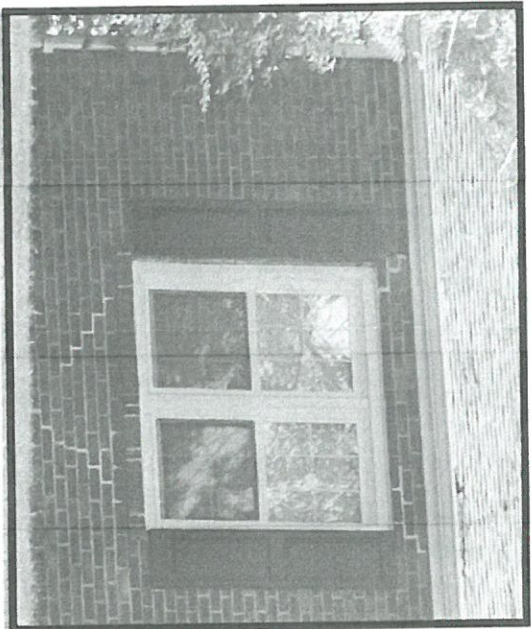
23-20NF-004



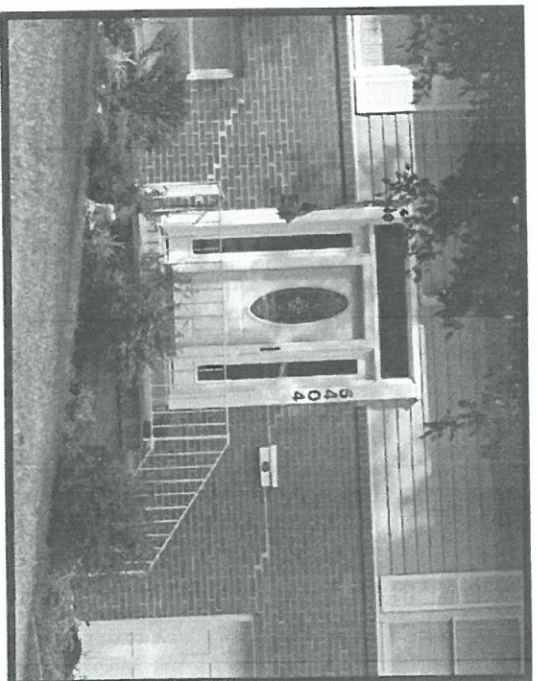
Kenwood Hill

Evidence of unstable Soils

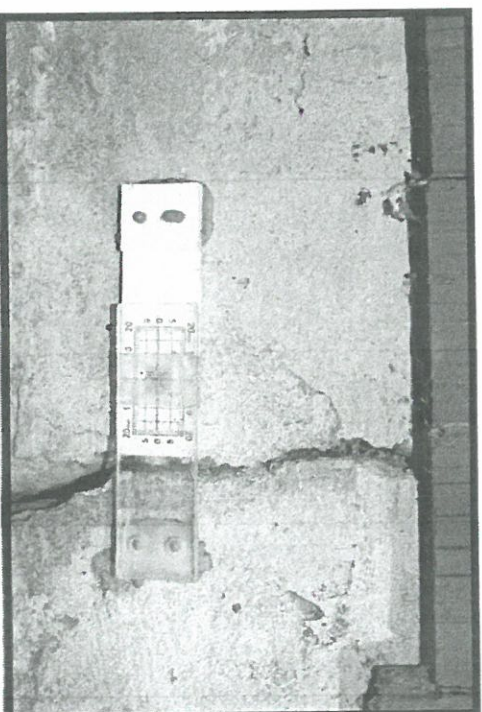
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PLANNING &
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Cracks in brick facade



Cracks in brick facade



**Gauge measuring ground
movement in Little
Loomhouse**

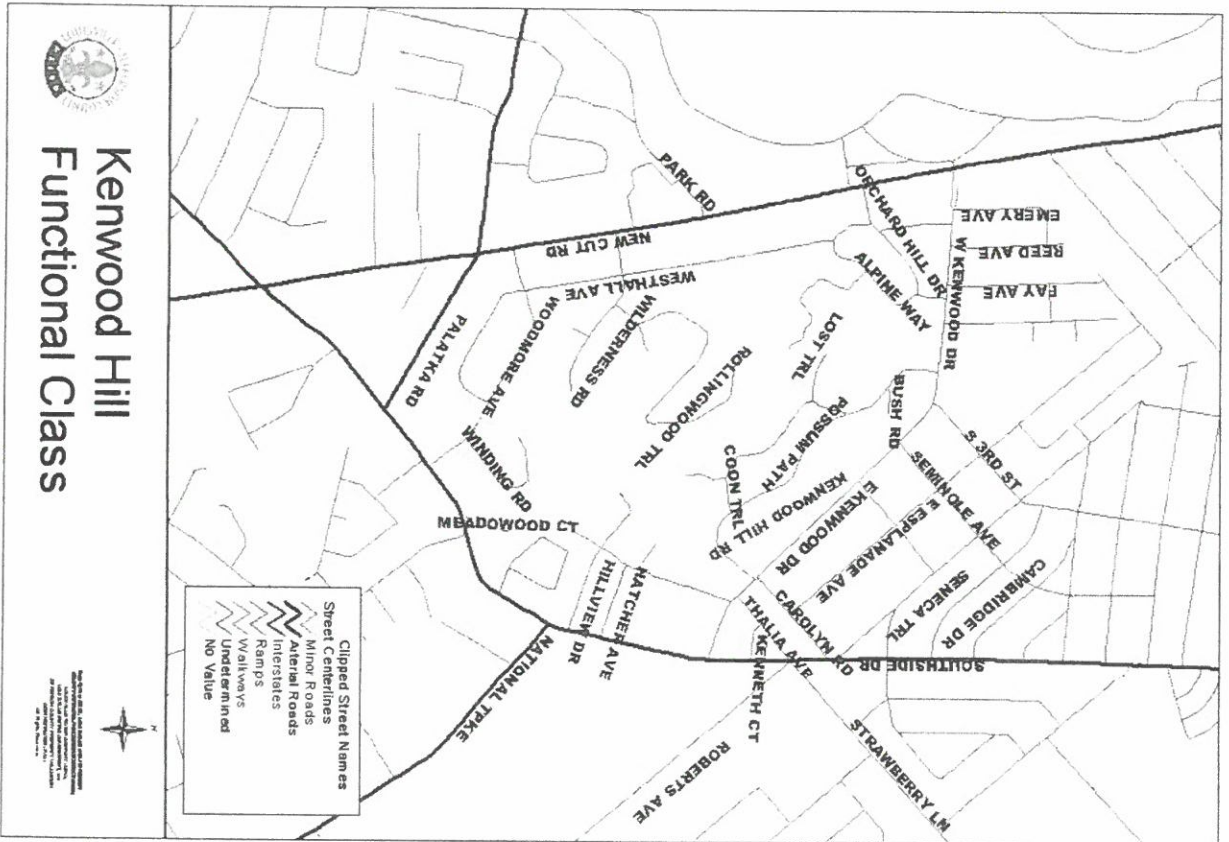
23-ZONE-0041

Kenwood Hill

Transportation

Functional Class

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DESIGN DIVISION



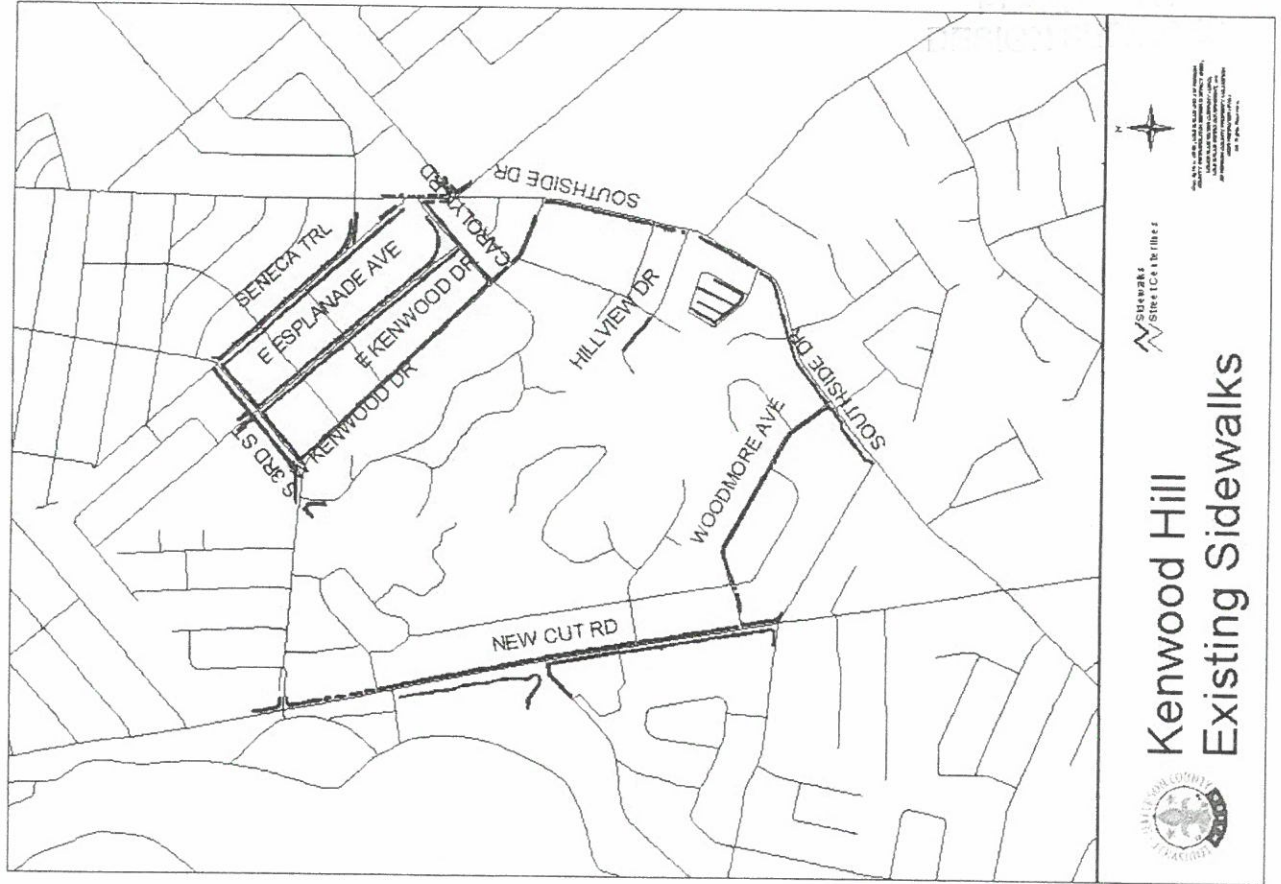
23-20NE-006



Kenwood Hill

Transportation

Sidewalks



23-20NF-0041

Kenwood Hill

Recommended

Rezoning

The areas shown on the map are recommended for rezoning from R-5 Single Family Residential to R-1, R-2 and R-4 Single Family Residential zones as shown on the map and a small area of C-1 commercial is recommended for rezoning to R-5 Single Family Residential. The Balance of the R-5 zoned land will remain unchanged.

Recommended/resultant Zoning District Acreage.

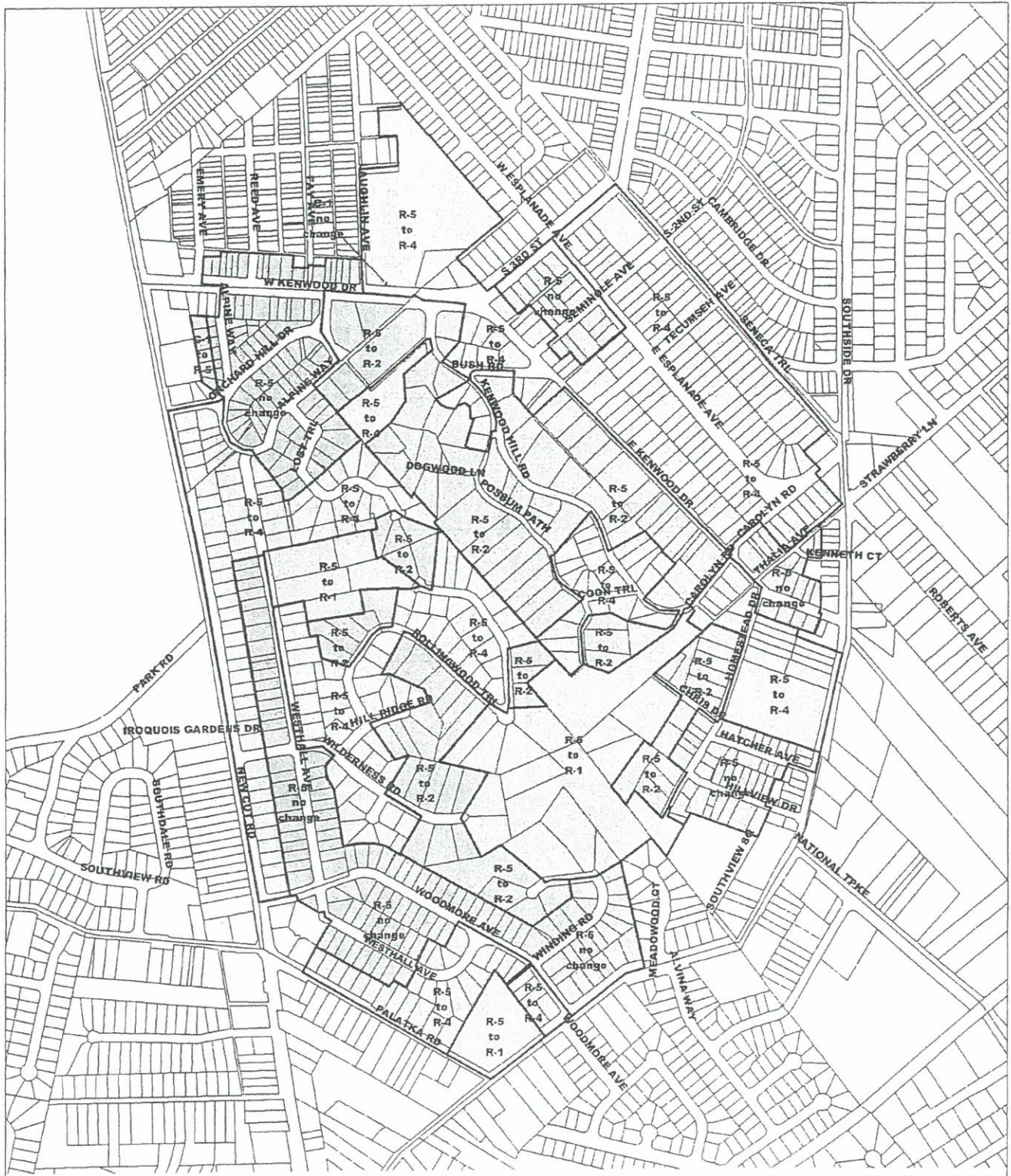
Zone	Acreage
C-1**	.01
R-5 to R-1	39.12
R-5 to R-2	77.81
R-5 to R-4	145.27
C-1 to R-5	.88
R-5 (no change)	73.58
Total	336.66

** A part of the DeSales High School's lot too small to show containing a sign is zoned C-1 and is not recommended for change.



Out of 758 lots in the study area, there will be 55 lots in the rezoned areas that are smaller than required by the new zone and 9 that were already nonconforming in the R-5 zone. Additionally there are 45 lots in the area that remains R-5 that are nonconforming for lot size.

23-ZONE-00



Kenwood Hill Rezoning Final Recommendation May 31, 2006



May 31, 2006 Final Rezoning Recommendation

- C-1 no change
- R-5 to R-4
- R-5 to R-2
- R-5 to R-1
- R-5 no change or C-1 to R-5

The purpose of this map is to show the final recommendation for rezoning of the Kenwood Hill area. This map is not a legal document and should not be used for legal purposes. The final decision on rezoning is made by the City Council. This map is subject to change without notice.

23-2006-0041

the recommendations of the Planning Commission as set out in said minutes and records;

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: That the following properties are hereby changed from R-5 Single

Family Residential to R-1 Single Family Residential:

6815 CAROLYN RD.;
332 CHRIS DR.;
404, 406 HILLVIEW DR.;
7008 HOMESTEAD DR.;
5344 (REAR) LOST TRL.;
5200, 5223, 5225, 5225 (REAR), 5227, 5229, ROLLINGWOOD TRL.;
5323, 5327, 5331 (REAR) WESTHALL AVE.;
500, 501 WILDERNESS RD.;
5425, 5427, 5429, 5431 WINDING RD. and;
TAX PARCEL 062G01150000 (no address given).

Section II: That the following properties are hereby changed from R-5 Single

Family Residential to R-2 Single Family Residential:

5332, 5336 ALPINE WAY;
6812 CAROLYN RD.;
325, 327, 330, 330 (REAR) CHRIS DR.;
300, 301, 305, 307, 308, 309, 310, 311 DOGWOOD LN.;
300, 304, 308, 316, 320, 322, 324, 326, 328, 330, 336 E KENWOOD DR.;
500, 502, 504, 506 HILL RIDGE RD.;
400, 402 HILLVIEW DR.;
6804, 6806, 6808, 6810, 6812, 6814, 7002, 7004 HOMESTEAD DR.;
206, 230 A, 230 B, 230 C, 230 D, 303, 305, 308, 309, 310, 313, 320, 322,
325, 328, 329, 331, 333, 343, 364 KENWOOD HILL RD.;
5344, 5346, 5347 LOST TRL.;
206, 300, 310, 312, 313, 314, 316, 320, 328, 333, 335, 337 POSSUM
PATH;
5201, 5203, 5205, 5205 1/2, 5207, 5217, 5219, 5221, 5231, 5233, 5235,
5248, 5315, 5317, 5319, 5336, 5338, 5340, 5342 ROLLINGWOOD TRL.;
200, 206, 418 R, 418, 444 W KENWOOD DR.;
502, 503, 504, 505, 506, 507, 509, 511 WILDERNESS RD.;
5416, 5420, 5433 WINDING RD.;

ORDINANCE No. _____, SERIES 2006

AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO R-5 SINGLE FAMILY RESIDENTIAL AND FROM R-5 SINGLE FAMILY RESIDENTIAL TO R-1, R-2, AND R-4 SINGLE FAMILY RESIDENTIAL IN THE KENWOOD HILL NEIGHBORHOOD LOCATED SOUTH OF HWY I-264 (WATTERSON EXPRESSWAY) AND EAST OF NEW CUT ROAD. THE BOUNDARIES ARE GENERALLY, NEW CUT ROAD TO THE WEST, WEST KENWOOD DRIVE AND SOUTH 3RD STREET TO THE NORTH, SENECA TRAIL AND SOUTHSIDE DRIVE TO THE EAST AND PALATKA ROAD TO THE SOUTH AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-13-06).

SPONSORED BY: COUNCILMAN DAN JOHNSON

WHEREAS, through Resolution No. 21, Series 2006, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") requested that the Louisville Metro Planning Commission hold a public hearing and make a recommendation to the Council on the proposed rezoning of property within the Kenwood Hill area; and

WHEREAS, on August 31, 2006, the Louisville Metro Planning Commission held a public hearing concerning the rezoning of property in the Kenwood Hill area; and

WHEREAS, the Council has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Docket No. 9-13-06; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Docket No. 9-13-06 and approves and accepts

23-20.NE-0041

and TAX PARCELS 062E00610000, 062E01220000, 062G01730000, 062G01740000, 062E00490013, 062E00340000 (no address given).

Section III: That the following properties are hereby changed from R-5 Single

Family Residential to R-4 Single Family Residential:

6713 S 3RD ST.;
5300, 5302, 5304, 5306, 5308, 5312, 5314, 5316 ALPINE WAY;
201, 203 BUSH RD.;
6703, 6705, 6707, 6709, 6711, 6715, 6719, 6809, 6811, 6813 CAROLYN RD.;
6902 COON TRL.;
101, 103, 105, 107, 201, 203, 205, 207, 208, 209, 210, 211, 212, 213, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 316, 317, 317 H, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334 E ESPLANADE AVE.;
301, 303, 305, 307, 309, 311, 315, 319, 321, 323, 325, 327, 329, 333, 335, 400 E KENWOOD DR.;
501, 503, 505, 508 HILL RIDGE RD.;
6800, 6802, 6803, 6805, 6807, 6809, 6813, 6815 HOMESTEAD DR.;
220 KENWOOD DR.;
250, 301, 302, 304, 306, 330, 332, 334, 335, 336, 337, 338, 339, 341, 356, 358, 362 KENWOOD HILL RD.;
5301, 5303, 5304, 5305, 5307, 5309, 5311, 5313, 5314, 5316, 5317, 5318, 5320, 5322, 5323, 5324, 5326, 5326 (REAR), 5328, 5328 (REAR), 5330, 5331, 5333, 5335, 5336, 5337, 5340, 5340 (REAR), 5341, 5344 (REAR), 5345 LOST TRL.;
5301, 5307, 5309, 5311, 5313, 5319, 5321, 5323, 5327, 5331, 5333, 5335, 5337, 5339, 5341, 5343, 5345, 5347, 5349, 5351, 5353, 5355, 5357, 5359, 5361, 5363, 5365, 5367, 5369, 5371, 5373, 5375, 5377, 5379 NEW CUT RD.;
807, 809, 813, 815, 821, 823, 825, 827, 829, 831, 833, 837 PALATKA RD.;
204, 323, 325, 327, 329, 331, 332, 334, 336, 338 POSSUM PATH.;
5202, 5204, 5206, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5220, 5232, 5234, 5236, 5238, 5240, 5242, 5244, 5339, 5341, 5344, 5345, 5346, 5348, 5349, 5350 ROLLINGWOOD TRL.;
6603, 6607, 6609, 6611, 6714 S 3RD ST.;
104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 136, 138, 140, 142, 144, 146, 148 R, 148, 200 SENECA TRL.;
7008, 7010, 7012, 7016, 7254, 7260 SOUTHSIDE DR.;
201, 207, 208, 209, 210, 211, 213, 215, 216, 217, 218, 219, 421, 425, W KENWOOD DR.;

5300, 5302, 5304, 5309, 5311, 5313, 5314, 5315 R, 5315, 5316, 5317 R,
5317, 5318, 5321, 5321, 5322, 5331, 5335, 5337, 5339, 5341, 5345,
5347, 5351, 5353, 5518, 5520, 5521, 5522, 5523, 5524, 5525, 5526,
5528, 5530 WESTHALL AVE.;
5402, 5403, 5404, 5405 WILDERNESS PL.;
508, 508 (REAR), 510, 600, 601, 602, 603, 604, 605, 609, 612
WILDERNESS RD.;
98, 100, 102, 104, 106, 108, 110, 114 WOODMORE AVE.;
and TAX PARCELS 061K00020000, 062E00030006, 062E00180000,
062E00210000, 062E00470000, 062E00580000, 062E01210000,
062G01620000, 062G01680000, 062H0103PT13, 062H01540021,
062H01550000, (no address given).

Section IV: That the following properties are hereby changed from C-1

Commercial to R-5 Single Family Residential:

The rear portions of 5202, 5206, 5208, 5210, 5212, 5214, 5216 ALPINE
WAY.

Section V: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____

ZONING SYM.	ORIGINAL REC. ZONING SYM.	COMMENTS	RESPONSE	LASTNAME	FIRSTNAME	ADDITIONAL NAME	ADDRESS	CITY	STATE	ZIP
		EMAIL MAY 4, 2006 CONCERN WITH NONCONFORMING STATUS IF REZONED R-4 AND FOLLOWUP CALL MAY 9 2006	DROPPED FROM REZONING REMAINS R-5	BRUCE	LYMAN J & M JUNE		5314 LOST TRL 4115 TAYLORSVILLE RD	LOUISVILLE	KY	40214
R5	R-4	WANTS TO GO TO R-4 LETTER IN FILE. MAY 30TH 2006	RECOMMENDED R-4	PEARMAN	JEREMY & PEARMAN	JUSTIN		LOUISVILLE	KY	40220
R5	R-2	WANTS TO GO TO R-4 LETTER IN FILE. MAY 30TH 2006	RECOMMENDED R-4	PEARMAN	JEREMY & PEARMAN	JUSTIN	1010 FENLEY AVE	LOUISVILLE	KY	40222
R5	R-1	04/27/04 DOES NOT LIKE THE REZONING BOUGHT THE PROPERTY FOR DEVELOPMENT POTENTIAL AND WANTS TO GO TO R-2 INSTEAD OF R-1 LETTER IN FILE.	RECOMMENDED R-2	COOK	RONALD L & SANDRA		5431 WINDING RD	LOUISVILLE	KY	40214
R5	R-2	WANTS TO REMAIN R-5 (HAS APARTMENTS IN BUILDING - ASSURED REZONING DOESN'T AFFECT ILLEGAL USE WILL NEED TO ESTABLISH ORIGIN FOR OWN PROTECTION OR IN EVENT OF ENFORCEMENT ACTION. NOT CHANGING	NOT CHANGING	HAYES	CHARLES E		4608 S 3RD ST	LOUISVILLE	KY	40214
R5	R-2	DID NOT WANT R-2 UPSET THAT PETITION SIGNED WAS FOR R-4 - WANTED TO HAVE NO CHANGE NOW.	CHANGED RECOMMENDATION TO R-4	BURKE	DAVE TR &	ORA NELL TR	206 KENWOOD HILL RD	LOUISVILLE	KY	40214
R5	R-4	SOLD HOME KEEPS GETTING NOTICES		LEWIS	ROSE M		5340 LOST TRL	LOUISVILLE	KY	40214
R5	R-4	SOLD HOME KEEPS GETTING NOTICES		LEWIS	ROSE M		5340 LOST TRL	LOUISVILLE	KY	40214
R5	R-4	SMALL LOT REAR OF 0008 IS NONCONF. EXPLAINED IMPACTS		WARDEIN	EMILY H		5317 WESTHALL AVE	LOUISVILLE	KY	40214
R5	R-4	SMALL LOT REAR OF 0008 IS NONCONF. EXPLAINED IMPACTS		WARDEIN	EMILY H		5317 WESTHALL AVE	LOUISVILLE	KY	40214
R5	R-4	RELAYED IMPACT OF REZONING ANSWERING MACHINE CALLED JUL Y14 2006 NO ADDITIONAL COMMENT		THOMAS NAVARRO	WALTER A JR & VICTORIA		5300 ALPINE WAY	LOUISVILLE	KY	40214
R5	R-2	NO ISSUE JUST CHECKING		NAVARRO	EARL A & PEGGY L		500 HILL RIDGE RD	LOUISVILLE	KY	40214
R5	R-4	NO ISSUE CALLED JUL Y 27TH		SHANKS	FOREST D		5313 NEW CUT RD	LOUISVILLE	KY	40214
R5	R-4	NO ISSUE CALLED JUL Y 13TH		SNAWDER	JOHN D & SHERRI		5335 LOST TRL	LOUISVILLE	KY	40214
R5	R-4	JUST CHECKING ON NONCONFORMITY		LANE	JAMES N & KATHY A		5333 NEW CUT RD	LOUISVILLE	KY	40214
R5	R-1	CONCERNED WITH INFORMATIONAL MEETING ON DAY OF PRIMARY		JOHNSON	DANIEL D &	SHERRY L	5200 ROLLINGWOOD TRL	LOUISVILLE	KY	40214

232012-001

ZONING SYM.	ORIGINAL REC. ZONING SYM.	COMMENTS	RESPONSE	LASTNAME	FIRSTNAME	ADDITIONAL NAME	ADDRESS	CITY	STATE	ZIP
R5	R-4	CONCERNED WITH INFORMATIONAL MEETING ON DAY OF PRIMARY CALLED JULY 19 NOT AN ISSUE WANTED TO KNOW R4 R-5 DIFFERENCE WANTS EVENTUALLY TO SEEK COMMERCIAL ZONE		JOHNSON	DANIEL D &	SHERRY L	5200 ROLLINGSWOOD TRL	LOUISVILLE	KY	40214
R5	R-4	CALLED JULY 19 NOT AN ISSUE WANTED TO KNOW R4 R-5 DIFFERENCE		KETTERER	MICHAEL A		829 PALATKA	LOUISVILLE	KY	40214
R5	R-4	CALLED JULY 17 NOT AN ISSUE WANTED TO KNOW R4 R-5 DIFFERENCE		BURKHARDT	ALBERT JOSEPH		827 PALATKA RD	LOUISVILLE	KY	40214
R5	R-4	BUSH HOUSE CAN SHE ADD CABINS PREFAB? 363-7547 IN THE AREA? WEDDINGS? RLOMAX3382@AOL.COM		QUIGLEY	MARIAN H		170 S E 5TH ST APT 306	DANIA BEACH	FL	33004
R5	R-2	BERNARD? STRONGLY IN FAVOR OF THE REZONING		LOMAX	REE		3382 SIX FORKS RD	RALEIGH	NC	27609-7233
R5	R-4	4/25/06 OKAY WHEN EXPLAINED BUT MAP STILL SHOWS AS OPEN. HAD IT CLOSED 40+ YEARS AGO AND BUILT THEIR DRIVEWAY ON IT. REFERRED TO PVA MAP ADJACENT.		SMITH	SCOTT A & AVA W		325 E KENWOOD DR	LOUISVILLE	KY	40214
R5	R-4	4/24/06 THINKS ALLEY IS HER'S BUT MAP STILL SHOWS AS OPEN. HAD IT CLOSED 40+ YEARS AGO AND BUILT THEIR DRIVEWAY ON IT. REFERRED TO PVA MAP ADJACENT.		SOSH	PAM		813 PALATKA RD	LOUISVILLE	KY	40214
R5	R-4	4/24/06 IMPACT AND QUESTIONS ABOUT POTENTIAL FOR C-1 SALE		DAVIS	OTHA & IMOGENE	MARCUM	6811 CAROLYN RD	LOUISVILLE	KY	40214
R5	R-4	4/24/06 IMPACT AND QUESTIONS ABOUT POTENTIAL FOR C-1 SALE		GORDON	SONJA E & WME &	PEGGY J & HAROLD J	4219 MADA WAY	LOUISVILLE	KY	40272
R5	R-4	4/24/06 CALLED TO CHECK ON IMPACT EXPLAINED NO SHIFT ON HIS PROPERTY (OVER 14000 SQ FT)		GORDON	SONJA E & WME &	PEGGY J & HAROLD J	4219 MADA WAY	LOUISVILLE	KY	40272
R5	R-4			BINGHAM	ROLLAND T & RITA		5353 WESTHALL AVE	LOUISVILLE	KY	40214

23-ZONE-0041

Legal Notices

**PUBLIC NOTICE,
EVENING PUBLIC
HEARING, Docket
9-13-06**

Pursuant to KRS 100 the Louisville Metro County Planning Commission will hold a public hearing on August 31, 2006, at 6:00 P. M., at Old Jail Building, in the Courtroom, at 514 West Liberty Street, Louisville, Kentucky, on the following matter affecting the use of land in Louisville Metro, Kentucky.

Kenwood Hill Area Wide Rezoning affecting approximately 500 of the 750 properties in the Kenwood Hill neighborhood. Kenwood Hill neighborhood is located south of Hwy I-264 (Watterson Expressway) and east of New Cut Road. The boundaries are generally, New Cut Road to the west, West Kenwood Drive and South 3rd Street to the north, Seneca Trail and Southside Drive to the east and Palatka Road to the south. The rezoning proposals include rezoning

**THE COURIER JOURNAL & LOUISVILLE TIMES
INCORPORATED**

**STATE OF KENTUCKY
County of Jefferson**

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Affidavit of Publication

Michelle Wyatt of **THE COURIER JOURNAL & LOUISVILLE TIMES COMPANY**, clerk of **THE COURIER JOURNAL** general circulation printed and published at Louisville, Kentucky, do solemnly swear that from my own personal knowledge, and reference to the files of said publication, the advertisement of:

Public notice

Was inserted in **THE COURIER JOURNAL** as follows:

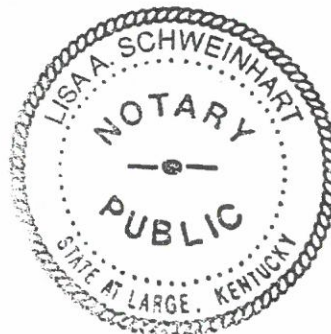
Date	Lines
7/13/06	109

Michelle Wyatt
(Signature of person making proof)

Subscribed and sworn to before me this 2nd of August, 2006

Lisa A. Schweinhart
Lisa A. Schweinhart/ Notary

Commission expires February 20, 2010



23-2006-0041

LD&T MINUTES

JUNE 22, 2006

DOCKET NO. 9-13-06

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Project Name:	Kenwood Hill Area wide Rezoning
Location:	Various Addresses
Owner/Applicant:	Metro Planning and Design
Engineer/Designer:	Not Applicable
Project Size/Area:	336.659 acres (73.59 unchanged)
Form District:	Traditional Neighborhood and Neighborhood
Zoning District:	R-5 and C-1
Jurisdiction:	Metro Louisville
Council District:	Council District 21, Dan Johnson
Case Manager:	Edwin W. Mellett, Planner II

Request

Request for the LD&T Committee to set an evening hearing date for August 31, 2006 at 6:00 P.M. for a rezoning from C-1 Commercial to R-5 Single Family Residential and from R-5 Single Family Residential to R-1, R-2 and R-4 Single Family Residential.

Staff Recommendation

The rezoning is supported. It will reduce the development potential in a manner that supports the neighborhood's and Comprehensive Plan's goal of protecting environmentally sensitive land from excessive development without adequate review.

Case Summary / Background

Summary

At the direction of Metro Council, through a resolution (#97-2005) signed by Mayor Abramson on April 29, 2005, Planning Commission staff were directed "to study a proposal for an area wide rezoning from R-5, Residential Single Family to R-4, Residential Single Family in the Kenwood Hill Area."

Staff compiled research and created graphics to aid in the evaluation of the requested down zoning action. After initial review, staff expanded the study area beyond the specific petition area. The purpose for this was to allow for a more meaningful and comprehensive look at this part of the community and the properties surrounding the petition boundary, which have the same characteristics and challenges of the petitioned properties.

Once a draft study was completed, staff met with representatives of the Kenwood Hill Neighborhood. The neighbors served as consultants to staff, ensuring that our assumptions and understanding of the conditions of the area were accurately

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reflected in the study. They provided further assistance in gathering and field checking additional site-specific data, including photographs and background on the various meetings and efforts that the neighbors had initiated in relation to this study.

The final study provides background as to the creation of this neighborhood through several decades of subdivision development. It discusses the context in which these subdivisions were built, including the historic as well as environmental conditions prevalent in the area. Current zoning and form districts applied to the area are evaluated, with reference to additional development potential on larger and/or vacant tracts.

Staff conclusions and recommendations support the intent of the request to downzone the area to an R-4 designation. This action, however, will not deliver the desired result of limiting new development to a level that can be supported by current infrastructure. Staff does recommend an area-wide rezoning based upon modification of one of the two rezoning scenarios presented in the background study. Each would have included down zoning all of the existing R-5 property, to a range of different zoning districts.

The final draft version (April 11, 2006) recommended for the area does not rezone all of the R-5 zoning in an effort to reduce but not eliminate lots that would become non-conforming due to the rezoning. In this scenario, the resultant mix of zoning on the total study area (336.659 acres) will have the following distribution:

Recommended Zoning District	Recommended Scenario Lot Area Only Acreages	Recommended Rezoning Lot and ROW Acreages
R-1	37.75	39.12
R-2	69.52	77.81
R-4	116.45	145.27
R-5	.8	.8
R-5 No Change	55.76	73.58
C-1 No Change	.0	.0
Total	280.38	336.66

The lots that would be made non-conforming by this rezoning are primarily in the proposed R-2 category and are generally large enough to allow variance-based changes with a public hearing. As the table below shows there would be 55 newly created nonconforming lots and 54 that were already substandard in the original or remaining R-5 zoning.

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Variances

Not applicable

Site Context

The Kenwood Hill neighborhood is located south of Hwy 264 (Watterson) and east of New Cut Road. The boundaries are generally, New Cut Road to the west, West Kenwood Drive and S. 3rd Street to the north, Seneca Trail and Southside Drive to the east and Palatka Road to the south. The area is almost entirely residentially developed, primarily with single-family homes. There are several historically significant structures located within this area. The terrain is moderate to steeply sloping, providing significant and attractive views, while also suffering the condition due to drainage problems and unstable soils that are prone to mass wasting and erosion. Narrow, winding streets provide access to the area with only a limited number of sidewalks for pedestrian mobility.

Background

A group of neighbors in the Kenwood Hill area began discussing possible developmental controls for their neighborhood in the spring of 2002. At that time, an overlay review district was considered as a means of ensuring compatibility of new development with existing homes/properties in the area.

The neighbors, primarily supported by the Iroquois Civic Club-Neighborhood Association began to rally interest and held a community meeting in the summer of 2002 to specifically discuss the possibility of an overlay district.

In the fall of 2004, the group began to work on the idea of designating a preservation district. Also around this time, the neighborhood engaged an attorney to review the R-5 zoning designation applied to the majority of the property. The resulting recommendation was to seek a moratorium on future development activity within the neighborhood.

After further discussions and consideration within the Neighborhood Association determined that a moratorium was not a viable option. A petition to downzone the area to R-4 was initiated in the spring of 2005. In April 2005, a petition was presented to the Planning & Zoning Committee of the Metro Council for consideration.

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Land Use / Zoning District / Form District

	Land Use	Zoning	Form District
Subject			
Existing	Single Family Residential Church Private School, park land	C-1, R-5	TN, N
Proposed	No change	R-1, R-2, R-4, R-5	TN, N
Surrounding			
North	Single Family Residential Church Commercial	C-1, R-5	TN
South	Single and Multiple Family Residential Commercial	C-1, R-5, R-4, R-6, R-7, OR-1 OR-2	N
East	Single Family Residential Commercial, Industrial	C-1, OR-2	N
West	Single and Multiple Family Residential Commercial and major park	R-1, R-5, R8-A, OR-1	N

Project History**Project History****Staff Findings****Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:**

(Refer also to Appendix I: Cornerstone 2020 Goals And Objectives/Guidelines of Kenwood Hill Rezoning Study and Recommendations; September 30, 2005 for a list of specific Goals, Objectives and Policies of the Cornerstone 2020 Plan that support this rezoning.)

Community Form

The intent of this plan element is to ensure that land use decisions preserve and improve identified, existing and emerging patterns of development. While the northwest edge of the study area adjoins and even includes a neighborhood serving (C-1) commercial district, the core of the neighborhood is developed with single-family homes. The varying, lot sizes are the result of the area developing

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over several decades and under different land development regulations. Subdivisions within the study area were developed between 1927 and 1968. In evaluating the resulting land use patterns and infrastructure improvements, it is clear that this area was not intended to support higher densities, nor was it established in a manner that would make it an appropriate candidate for higher density infill.

Preservation of building sites, districts, landscapes and other features is a key directive relating to natural areas and historic resources. The form of the subject neighborhood protects existing cultural and historical resources, including the four properties, which are designated on the National Register of Historic Places.

Marketplace

The Marketplace element of Cornerstone 2020 speaks to the function of land within the community and the ability to review proposals for development or zoning changes. One key directive of this element is the necessary provision of access for the purpose of moving goods, services and people throughout the community. Any review for new development within the study area would surely result in the need for infrastructure (drainage, street, sidewalk, etc.) improvements.

Mobility / Transportation

Achieving the goals of the Mobility and Transportation element of Cornerstone 2020 in the study area would prove to be very challenging under current conditions. The streets are narrow and some are considerably steep. Minimizing impact on these streets includes limiting the amount of new development that may access this infrastructure as well as ensuring, through zoning, that only lower density residential or similar, compatible uses are established within the neighborhood where vacant property currently exists. Improving streets fully to current standards could diminish the quality of the experience of this area, however, even under current conditions, improvements are needed to stabilize the transportation system of both streets and sidewalks.

Livability / Environment

Maintaining the unique character of the neighborhood, with specific reference to the terrain and the environmental issues that result, is a primary concern of this study. The slopes and soils present in the Kenwood Hill area cause the need for carefully engineered developments. Any new development will impact existing, established structures, uses and infrastructure. Environmental concerns provide the primary basis for the requested down zoning and are specifically addressed within the study.

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Community Facilities

Existing infrastructure in the study area is not adequate to handle a significant amount of infill development. Many roadways have substandard widths, lack sidewalks and adequate drainage facilities.

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)
N/A

Technical Review

Standard of Review

Attached Documents / Information

Kenwood Hill Rezoning Study
Recommended Rezoning Map

Resultant Nonconforming Lots

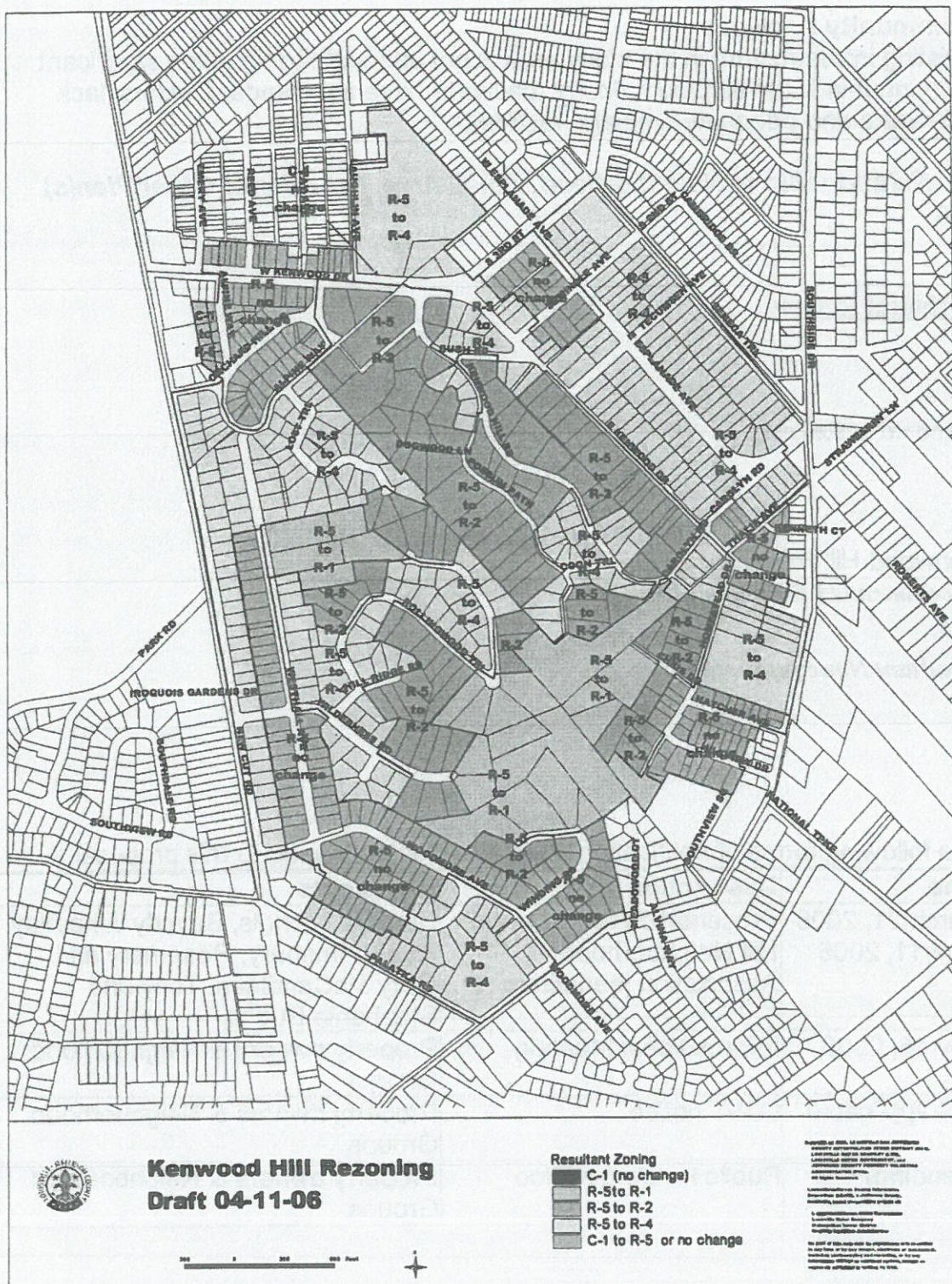
Notification

The following forms of notification were provided pertaining to this proposal:

Date	Description	Recipients
March 21, 2006 April 11, 2006	Presentation to Kenwood Hill Neighborhood Association leadership	Barbara Nichols, Beverly Wheatley, Robin Amsbary, Rosemary and Gary McCandless, Tony and Stephanie Buzan
May 16, 2006	Informational Meeting	Property owners & Neighborhood Groups
Not applicable	LD&T notice	Property owners & Neighborhood Groups
(pending)	Public Hearing Notice	Property owners & Neighborhood Groups

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DOCKET NO. 9-13-06



23-20NB-1004

LD&T MINUTES

JUNE 22, 2006

DOCKET NO. 9-13-06

9-13-06 Kenwood Hill Area Wide Rezoning: Draft 04-11-06.

Ordinance for an area-wide rezoning from R-5 single family residential to R-1 single family residential on the following properties:

6815 CAROLYN RD.;
332 CHRIS DR.;
404, 406 HILLVIEW DR.;
7008 HOMESTEAD DR.;
5344 (REAR) LOST TRL.;
5200, 5223, 5225, 5225 (REAR), 5227, 5229, ROLLINGWOOD TRL.;
5323, 5327, 5331(REAR) WESTHALL AVE.;
500, 501 WILDERNESS RD.;
5425, 5427, 5429, 5431 WINDING RD. and;
TAX PARCEL 062G01150000 (no address given).

And; from R-5 single family residential to R-2 single family residential on the following properties:

5332, 5336 ALPINE WAY ;
6812 CAROLYN RD.;
325, 327, 330, 330 (REAR) CHRIS DR.;
300 , 301 , 305 , 307 , 308 , 309 , 310 , 311 DOGWOOD LN.;
300, 304, 308, 316, 320, 322, 324, 326, 328, 330, 336 E KENWOOD DR.;
500, 502, 504, 506 HILL RIDGE RD.;
400, 402 HILLVIEW DR.;
6804, 6806, 6808, 6810, 6812, 6814, 7002, 7004 HOMESTEAD DR.;
206, 230 A, 230 B, 230 C, 230 D, 303, 305, 308, 309, 310, 313, 320, 322, 325, 328, 329, 331,
333, 343, 364 KENWOOD HILL RD.;
5344, 5346, 5347 LOST TRL.;
206, 300, 310, 312, 313, 314, 316, 320, 328, 333, 335, 337 POSSUM PATH ;
5201, 5203, 5205, 5205 1/2, 5207, 5217, 5219, 5221, 5231, 5233, 5235, 5248, 5315, 5317, 5319,
5336, 5338, 5340, 5342 ROLLINGWOOD TRL.;
200, 206, 418 R, 418, 444 W KENWOOD DR.;
502, 503, 504, 505, 506, 507, 509, 511 WILDERNESS RD.;
5416, 5420, 5433 WINDING RD.;
and TAX PARCELS 062E00610000, 062E01220000, 062G01730000, 062G01740000,
062E00490013, 062E00340000 (no address given).

And; from R-5 single family residential to R-4 single family residential on the following properties:

6713 S 3RD ST.;
5300, 5302, 5304, 5306, 5308, 5312, 5314, 5316 ALPINE WAY;
201, 203 BUSH RD.;
6703, 6705, 6707, 6709, 6711, 6715, 6719, 6809, 6811, 6813 CAROLYN RD.;
6902 COON TRL.;
101, 103, 105, 107, 201, 203, 205, 207, 208, 209, 210, 211, 212, 213, 300, 301, 302, 303, 304,
305, 306, 307, 309, 310, 311, 312, 313, 314, 316, 317, 317 H, 318, 319, 320, 321, 322, 323, 324,
325, 326, 327, 328, 329, 330, 331, 332, 333, 334 E ESPLANADE AVE.;
301, 303, 305, 307, 309, 311, 315, 319, 321, 323, 325, 327, 329, 333, 335, 400 E KENWOOD
DR.;
501, 503, 505, 508 HILL RIDGE RD.;

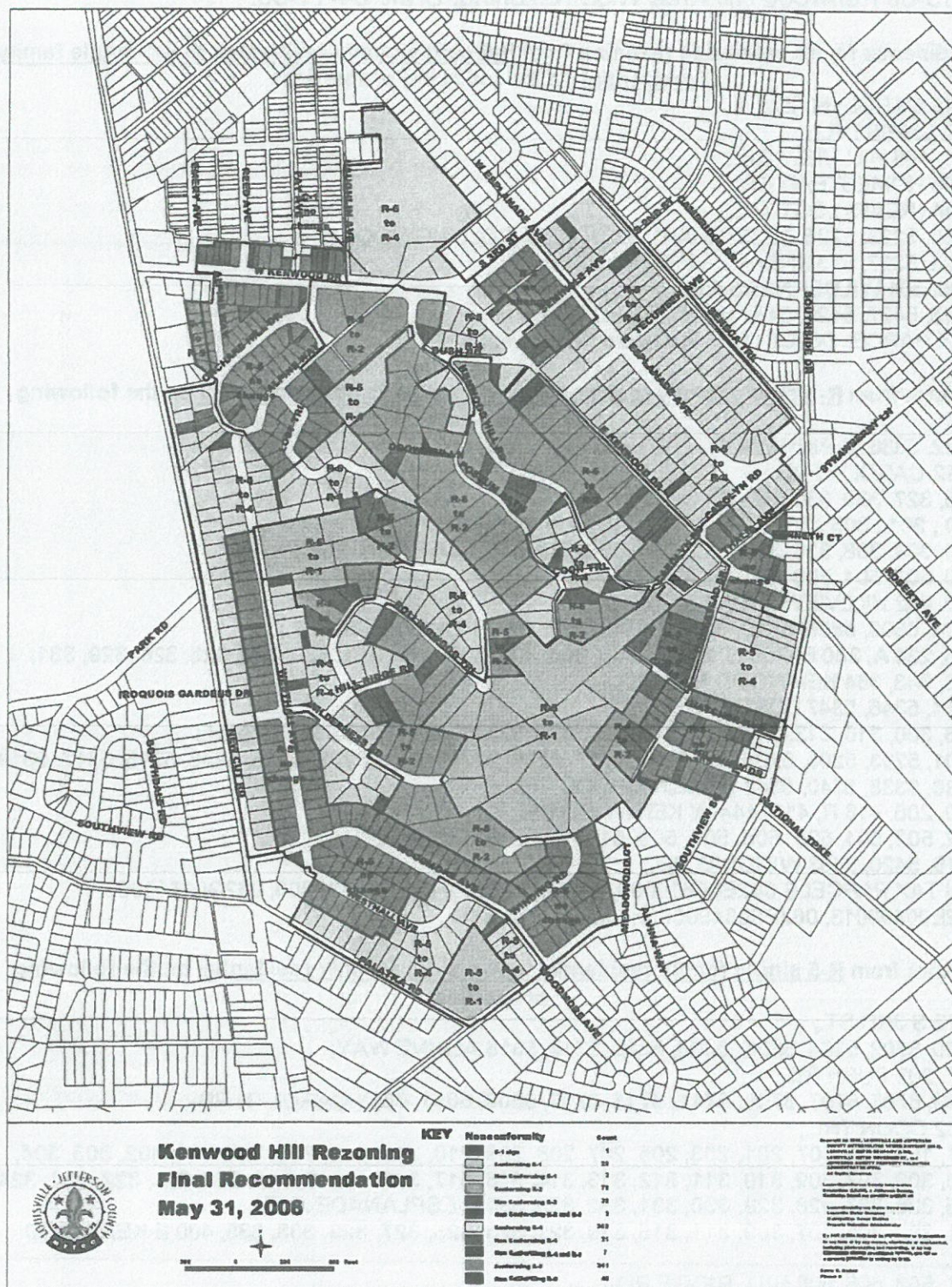
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DESIGN SERVICES

23-200B-041

JUNE 22, 2006

DOCKET NO. 9-13-06

DESIGN SERVICES



23-2400000

9-013-06

Mr. Dan Johnson
Metro Council
601 W. Jefferson Street
Louisville, KY 40202

Mr. Ray Manley
Metro Council
601 W. Jefferson Street
Louisville, KY 40202

Ms. Gail Linville
St. Joseph Neighborhood Association
526 Atwood Street
Louisville, KY 40217

Mr. Gary Jany
Wilder Park Neighborhood Association
4002 S. First Street
Louisville, KY 40214

Mr. Tom FitzGerald
Kentucky Resources Council, Inc.
1600 Dundee Way
Louisville, KY 40205

Mr. Paul Holliger
Southwest Community Association of
Neighborhoods
210 Elk River Drive
Louisville, KY 40214 5743

Ms. Diana Newton
Ashby Woods Neighborhood
Association
10000 Moon Beam Court
Louisville, KY 40272

Mr. Robbie Gibson
Preston Area Business Association
3319 Preston Highway
Louisville, KY 40213

Mr. Roy Evans
City of Parkway Village
PO Box 17092
Louisville, KY 40217

Mrs. Barbara Nichols
Iroquois Civic Club & Neighborhood
Association
121 Arbor Park North
Louisville, KY 40214

Mrs. Barbara Nichols
South Louisville Business Association
d/b/a Iroquois Area Business Associat
P O Box 21057
Louisville, KY 40221

Mr. David Jett
Iroquois Area Business Assn
5125 New Cut Rd
Louisville, KY 40214

Mr. Michael Jupin
South Louisville Community Ministries
4803 Southside Drive
Louisville, KY 40214

Mr. Dale Priddy
Robin Engel steering committee
8810 Wisdom Lane
Louisville, KY 40229

Ms. Stefanie Buzan
Iroquois Civic Club and Neighborhood
Association
230 Kenwood Hill Road
Louisville, KY 40214

Mr. Gary McCandless
Iroquois Civic Club and Neighborhood
Association
418 W. Kenwood Drive
Louisville, KY 40214

Mr. Bob Slattery
Louisville Regional Airport Authority
P.O. Box 9129
Louisville, KY 40209 0129

Mr. Mike Zanone
St. Joseph Area Association
614 Maylawn Avenue
Louisville, KY 40217 1934

Mr. Bill Pike
The Courier Journal
525 W. Broadway
Louisville, KY 40201

Principal: Timothy Keogh
C/O DeSales High School
425 East Kenwood Drive
Louisville, KY 40214

Attached letter sent to owners of
affected property and the above
interested parties on 4/19/06.
Informational meeting date May
16, 2006 in the Auditorium of Iroquois
High School 6:30 P.M.

2320NE 0041

LD&T MINUTES

JUNE 22, 2006

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DOCKET NO. 9-13-06

6800, 6802, 6803, 6805, 6807, 6809, 6813, 6815 HOMESTEAD DR.;
220 KENWOOD DR.;
250, 301, 302, 304, 306, 330, 332, 334, 335, 336, 337, 338, 339, 341, 356, 358, 362 KENWOOD
HILL RD.;
5301, 5303, 5304, 5305, 5307, 5309, 5311, 5313, 5314, 5316, 5317, 5318, 5320, 5322, 5323,
5324, 5326, 5326 (REAR), 5328, 5328 (REAR), 5330, 5331, 5333, 5335, 5336, 5337, 5340, 5340
(REAR), 5341, 5344 (REAR), 5345 LOST TRL.;
5301, 5307, 5309, 5311, 5313, 5319, 5321, 5323, 5327, 5331, 5333, 5335, 5337, 5339, 5341,
5343, 5345, 5347, 5349, 5351, 5353, 5355, 5357, 5359, 5361, 5363, 5365, 5367, 5369, 5371,
5373, 5375, 5377, 5379 NEW CUT RD.;
807, 809, 813, 815, 821, 823, 825, 827, 829, 831, 833, 837 PALATKA RD.;
204, 323, 325, 327, 329, 331, 332, 334, 336, 338 POSSUM PATH.;
5202, 5204, 5206, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5220, 5232, 5234,
5236, 5238, 5240, 5242, 5244, 5339, 5341, 5344, 5345, 5346, 5348, 5349, 5350
ROLLINGWOOD TRL.;
6603, 6607, 6609, 6611, 6714 S 3RD ST.;
104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 136, 138, 140, 142,
144, 146, 148 R, 148, 200 SENECA TRL.;
7008, 7010, 7012, 7016, 7254, 7260 SOUTHSIDE DR.;
201, 207, 208, 209, 210, 211, 213, 215, 216, 217, 218, 219, 421, 425, W KENWOOD DR.;
5300, 5302, 5304, 5309, 5311, 5313, 5314, 5315 R, 5315, 5316, 5317 R, 5317, 5318, 5321,
5321, 5322, 5331, 5335, 5337, 5339, 5341, 5345, 5347, 5351, 5353, 5518, 5520, 5521, 5522,
5523, 5524, 5525, 5526, 5528, 5530 WESTHALL AVE.;
5402, 5403, 5404, 5405 WILDERNESS PL.;
508, 508 (REAR), 510, 600, 601, 602, 603, 604, 605, 609, 612 WILDERNESS RD.;
98, 100, 102, 104, 106, 108, 110, 114 WOODMORE AVE.;
and TAX PARCELS 061K00020000, 062E00030006, 062E00180000, 062E00210000,
062E00470000, 062E00580000, 062E01210000, 062G01620000, 062G01680000
062H0103PT13, 062H01540021, 062H01550000, (no address given).

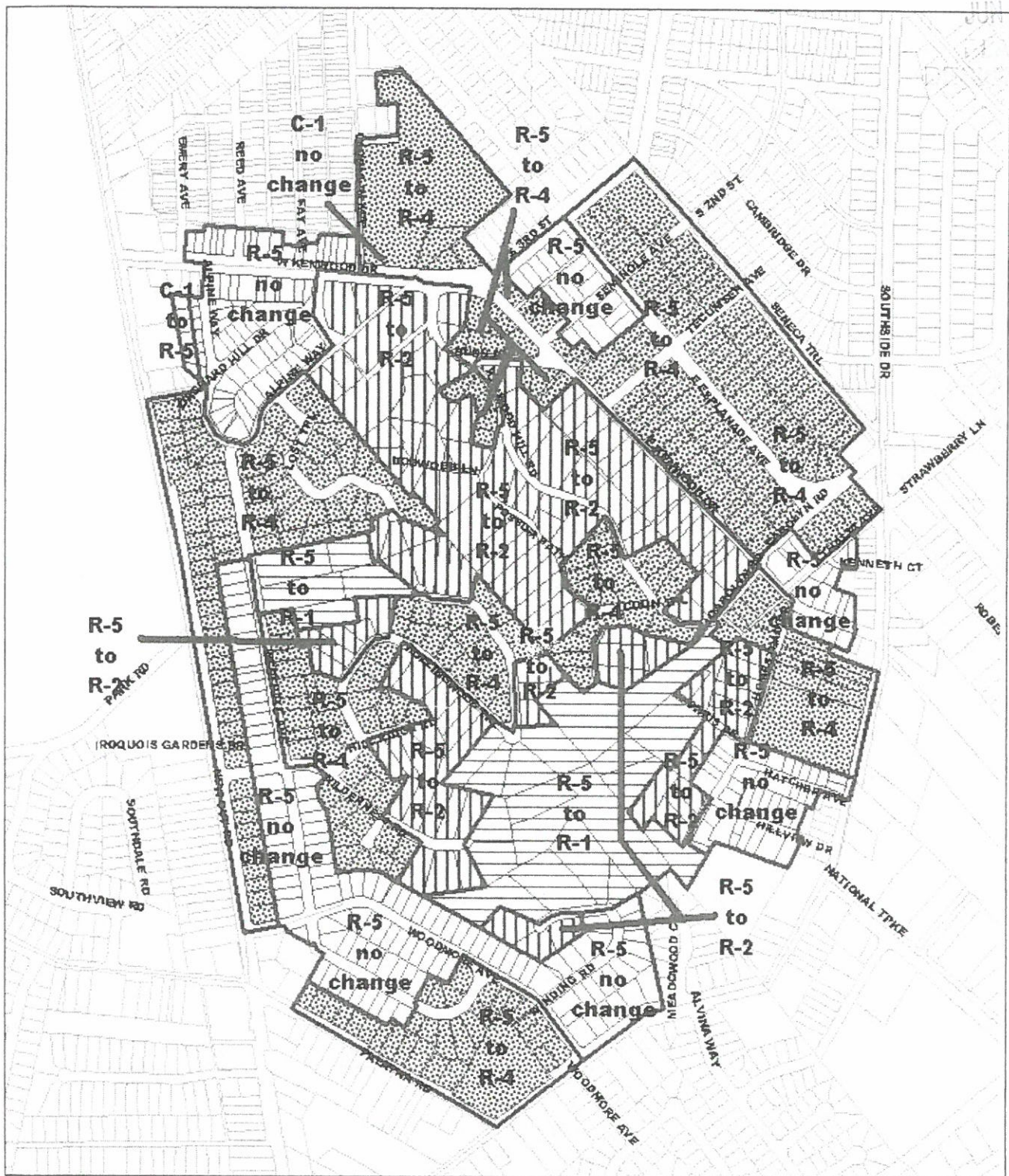
And; from **C-1 Commercial to R-5 single family residential** on the following properties:
The rear portions of 5202, 5206, 5208, 5210, 5212, 5214, 5216 ALPINE WAY

DISCUSSION:

Ed Mellett presented the case. He briefly detailed the history of the case and what had been done since the LD&T Committee had last seen the proposal (a report which was first presented in the fall) and requested that a public hearing date be set.

The Committee by general consensus scheduled the public hearing on August 31, 2006 at 6:00 p.m. at the Old Jail Building.

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Kenwood Hill Rezoning **Draft 04-11-06**



Resultant Zoning	
	C-1 (no change)
	R-5 to R-1
	R-5 to R-2
	R-5 to R-4
	C-1 to R-5 or no change

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23-ZONE-001

Informational Hearing for the 9-013-06 Area Wide Rezoning Proposal

The Louisville Metro Planning Commission, at the request Councilman Dan Johnson, is proposing an area wide rezoning for Kenwood Hill (Docket 9-013-06). The draft rezoning proposal includes property at: 5323 NEW CUT RD (Tax Block 062H Lot 0044). Current Property Valuation records indicate you own this property. This property is proposed for rezoning from R5 RESIDENTIAL SINGLE FAMILY to R-4 RESIDENTIAL SINGLE FAMILY. The Form District does not change. A detailed map of the proposed rezoning and background material may be examined on our website under Kenwood Hill Areawide Rezoning (left side or bottom of page) at the following internet address:

<http://www.louisvilleky.gov/PlanningDesign/>

or in our offices in the Metro Development Center at 444 South 5th Street, Suite 300. The purpose of this change is to reduce the potential number of dwelling units allowed on a lot. The proposal, if enacted, will minimize potential environmental impacts from development that could occur on steeply sloped land in the neighborhood. Some of the affected properties may have less lot area or frontage than is required for recommended zoning district and will become "legally nonconforming", a factor that may affect minor changes to your structure if such changes increase the nonconformity by occupying required yards. Generally this limitation can be addressed through a variance application to the Board of Zoning Adjustment that allows adjacent property owners the opportunity to review and comment on an applicant's proposal. It should be noted that over 60 of the 758 lots within the boundary area are currently non-conforming for lot area in the existing R-5 Zone. This proposal will not affect taxes or property valuation and, as much as possible given the mix of lot sizes present, reflects the existing built density through more appropriate zoning classification than the current

R-5 zone.

Required Lot Area By Proposed Zone

Zone	Lot size
R-1	40,000 Sq. Ft.
R-2	20,000 Sq. Ft
R-4	9,000 Sq. Ft
R-5	6,000 Sq. Ft

An informational hearing for the area wide rezoning proposal will be held at 6:30 P.M. on May 16, 2006 in the auditorium of Iroquois High School, 4615 Taylor Boulevard. Planning Commission staff will take suggestions and answer questions concerning the draft proposal. A final proposal for the area will be developed based on the input received at this meeting and a formal rezoning recommendation will follow. Affected property owners will be notified based on the final recommendation. Comments may also be made by phone to Ed Mellett at 574-5177 or by email sent to:

ed.mellett@louisvilleky.gov.

Please include your property address and Tax Block and Lot with your comments.

23 ZONE-0001



LOUISVILLE METRO
PLANNING AND DESIGN SERVICES
444 SOUTH 5TH STREET, SUITE 300
LOUISVILLE, KENTUCKY 40202-4313

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|||||
CO KY JEFFERSON
517 W JEFFERSON ST
LOUISVILLE, KY 40202

23-20NE-0041



LOUISVILLE, KENTUCKY

LOUISVILLE METRO PLANNING AND DESIGN SERVICES

JERRY E. ABRAMSON
MAYOR

CHARLES C. CASH, AIA
DIRECTOR

May 3, 2006

Ronald L. Cook
Attorney At Law
600 West Main Street, Suite 100
Louisville, Kentucky 40202

Dear Mr. Cook:

I have reviewed your letter concerning your property at 5431 Winding Road and in the Kenwood Hill Area Wide rezoning proposal (Docket 9-13-06). Your letter and the comments and letters received between now and the April 16, 2006 informational meeting will be taken into account as we prepare the final rezoning recommendation for this area. I did not mean to imply nor have I actually walked the area in question but rather have depended on the maps provided by the LOJIC GIS facilities that we use countywide for property review. The LOJIC system indicates that roughly half of your lot is affected by slopes over 20% and based on our survey of the underlying geology, is highly likely to have unstable soils as well.

If the eventual decision is to change the rezoning recommendation to R-2, your property could be subdivided into a total of four lots based on an area measurement of 92,027.075 square feet (again from the LOJIC system). This decision will be made after the informational hearing and will be then forwarded as a public hearing notice for the rezoning to the affected landowners, as was the informational hearing notice, 30 days before the hearing is scheduled. As you have indicated an interest in potentially developing your property further I have enclosed Chapter 4 part 7 of the Land Development Code that addresses the development of steep slopes. There are other sections of the code that will affect the development of your lot but this may be the most limiting. If you wish to restate your position at the informational hearing you are welcome to but given your letter's specific request it is not necessary. If the final recommendation is not satisfactory you will however want to attend and speak at the public hearing.

Sincerely,

Edwin W. Mellett,
Planner II
CC: Docket 9-13-06
Attachment

23-ZONE-C441

4.7.1 Purpose & Intent

The purpose of this part is to guide development in steeply sloped or unstable hillside areas consistent with Cornerstone 2020 Comprehensive Plan guidelines, to protect natural areas and features and to locate development, where possible, in areas that do not have severe environmental limitations. This section intends to regulate hillside development in order to protect life and property from hazards due to slope, unstable soils, earth movement and other geologic and hydrologic hazards. More specifically, these regulations are intended to:

- A. Maintain property values and avoid property damage due to development of steep slopes and unstable soils;
- B. Incorporate current design, landscape architecture, architecture and civil engineering practices to preserve, enhance, and/or promote the stability and environmental quality of hillside areas;
- C. Preserve or enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features including slopes, ridge lines, vistas, and natural plant communities;
- D. Promote a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas while at the same time minimizing the scarring effects of hillside street construction;
- E. Encourage imaginative and innovative building techniques to create buildings suited to natural hillside surroundings; and
- F. Enhance neighborhood character and community identity associated with the County's hillsides.

From Definitions [Chapter 1 Part2]:

4.7.2 Applicability & Exemptions

A. Applicability

This part shall apply to all land disturbing activity, including new development and subdivision, proposed on:

1. Properties that contain slopes of 20% or greater ("steep slopes"), or
2. Properties that contain soils rated as "unstable" on Core Graphic 5.

B. Land Disturbing Activity

Land disturbing activity includes the following:

1. Clearing of more than 5,000 square feet of forested area for development;
2. Grading, excavation, construction of foundations, footings or retaining walls, or alteration of the ground surface, except for

Land Disturbing Activity
– All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.

activities defined as agricultural operations in KRS 224.71-100 through 140;

3. The installation of utilities, including but not limited to water, sewer, natural gas, electric, telephone and cable.

C. Exemptions

This part shall not apply to the development activities listed in 4.6.1.B.

4.7.3 Development on Steep Slopes

A. Measurement of Steep Slopes

The restrictions on development on sloped areas in this part refer to existing (pre-development) site conditions. Slopes shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the result into a percentage value.

Steepness of slope shall be measured from the points with the highest and lowest elevation between slope breaks. The Planning Director in consultation with NRCS representatives shall make the final determination of what constitutes a slope break.



4.7.4 Land Disturbing Activity on Unstable Soils.

- A. Land disturbing activity on unstable soils (as depicted on Core Graphic 5) is permitted only in accordance with the Comprehensive Plan and in keeping with the following:
 1. The Planning Commission determines the proposed construction cannot be accommodated on a portion of the site that does not contain unstable soils; and,
 2. The application for the land disturbing activity includes a geotechnical survey report, prepared in accordance with best practices. For land disturbing activity in conjunction with a plan review (preliminary subdivision plan, development plan, conditional use plan, etc.) required by this code, a geotechnical report shall be submitted with the application for the required review. Such survey will ordinarily include information obtained by drilling, locating of bedrock and testing of soils for shear strength. The report shall be prepared by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. In order for the proposed construction to be approved, the report must:
 - a. conclude the proposed disturbance and/or construction can be carried out in a manner that will minimize impact on the slope and will not adversely impact foundation stability on the subject property and surrounding properties; and,
 - b. conclude that stable foundations can be constructed on the site and identify the mitigation measures and construction

practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site; and,

- c. include erosion and sediment control measures necessary to assure compliance with the Jefferson County Erosion and Sediment Control Ordinance; and,
3. The applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.
4. Prior to requesting a full building permit, the applicant shall provide certification from a professional engineer having the qualifications described in paragraph 2, above, that site preparation and foundation construction were carried out in accordance with the approved mitigation measures and construction practices.
5. Prior to requesting a certificate of occupancy for any structure on the site, the applicant shall provide certification from a geotechnical soils engineer certifying that land disturbance and construction were carried out in accordance with the mitigation measures and construction practices, including inspections, set forth in the geotechnical report.
6. Prior to site disturbance, the applicant shall submit a bond of sufficient amount to cover the cost of site stabilization.

4.7.5 Land Disturbing Activity on Slopes Greater Than 20%.

- A. Land disturbing activity on slopes greater than 20% is permitted on lots existing prior to the effective date of this regulation and on lots created by minor plats submitted for review after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:
 1. The Planning Director finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,
 2. Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,
 3. Shared access driveways serving single family residences are used when this technique reduces pavement and grading of steep areas.
- B. Land disturbing activities on slopes greater than 20% is permitted on lots created by major subdivision after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:

1. The Commission finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,
2. Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,
3. Land disturbing activities on slopes greater than 20% and less than 30% shall be required to prepare a geotechnical survey report if the staff of the USDA Natural Resources Conservation Service determines such a study is warranted, given the site's soil and geologic characteristics. A geotechnical report shall be submitted for land disturbing activities on slopes greater than 30%. The geotechnical survey report shall be submitted with the application for land disturbing activities and with the application for a plan review (preliminary subdivision plan, development plan, conditional use plan, etc.) required by this code and shall be prepared in accordance with best practices. Such survey will ordinarily include information obtained by drilling, locating of bedrock and testing of soils for shear strength. The report shall be prepared by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. The report shall include mitigation measures as needed to ensure stability and minimize environmental impact during site preparation and construction phases of the regulated activity. In addition, the report shall include erosion and sediment control measures necessary to assure compliance with the Jefferson County Erosion and Sediment Control Ordinance. The Planning Commission may approve the activity if the report opines and demonstrates that:
 - a. The slope's ground surface and subsurface are not unstable;
 - b. Development of the slope and associated mitigation measures will not increase the degree of risk of slope instability both on-site and on adjacent lands; and,
 - c. If a geotechnical report is required, the applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.

4.7.6 Independent Review of Geotechnical Survey Report

The Planning Commission may, on recommendation of the Natural Resource Conservation Service or MSD or the Planning Director, require an independent review of the submitted geotechnical survey report. Such review shall be conducted by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. The reasonable cost of such review shall be borne by the applicant.

4.7.7 Development Potential Transfer Allowed

- A. Major subdivision development proposals submitted after the effective date of this regulation and which permanently preserve areas of the site with slopes greater than 20% may transfer the development potential (building sites or floor area) of the permanently preserved area to the remainder of the site subject to the following limitations:
1. The subdivision is not being developed under the Alternative Development Incentives of the Land Development Code; and,
 2. Areas to be permanently preserved are preserved in a manner acceptable to the Commission (e.g., conservation easement, common open space, etc.); and,
 3. The area of the site to which development potential is being transferred is at least as large as the area from which development potential is being transferred (for example; if an applicant wishes to transfer development potential from 3 acres, the portion of the site to which development is shifted must be at least 3 acres); and,
 4. All lots in the proposed development meet the minimum alternative development incentive lot size of the applicable Form District; and,
 5. All lots in the proposed development meet the height, yard and setback requirements of the applicable Form District.
- B. The maximum development potential allowable for transfer shall be determined by one of the following methods:
1. One half of the theoretical development potential based on the number of acres preserved and the existing zoning of the area to be preserved (for example; if 3 acres of an R-4 site is proposed for protection, then 7 building sites could be transferred to other portions of the same property - $3\text{ac} \times 4.84 \text{ units/acre} / 2 = 7.26$ units); or,
 2. The realistic development potential determined by an engineered development plan including a preliminary geotechnical feasibility study and meeting all other requirements of the Land Development Code.

NOTE: Although lot sizes are reduced, setbacks are not reduced for density transfer lots. Consistent appearance throughout the subdivision is intended.

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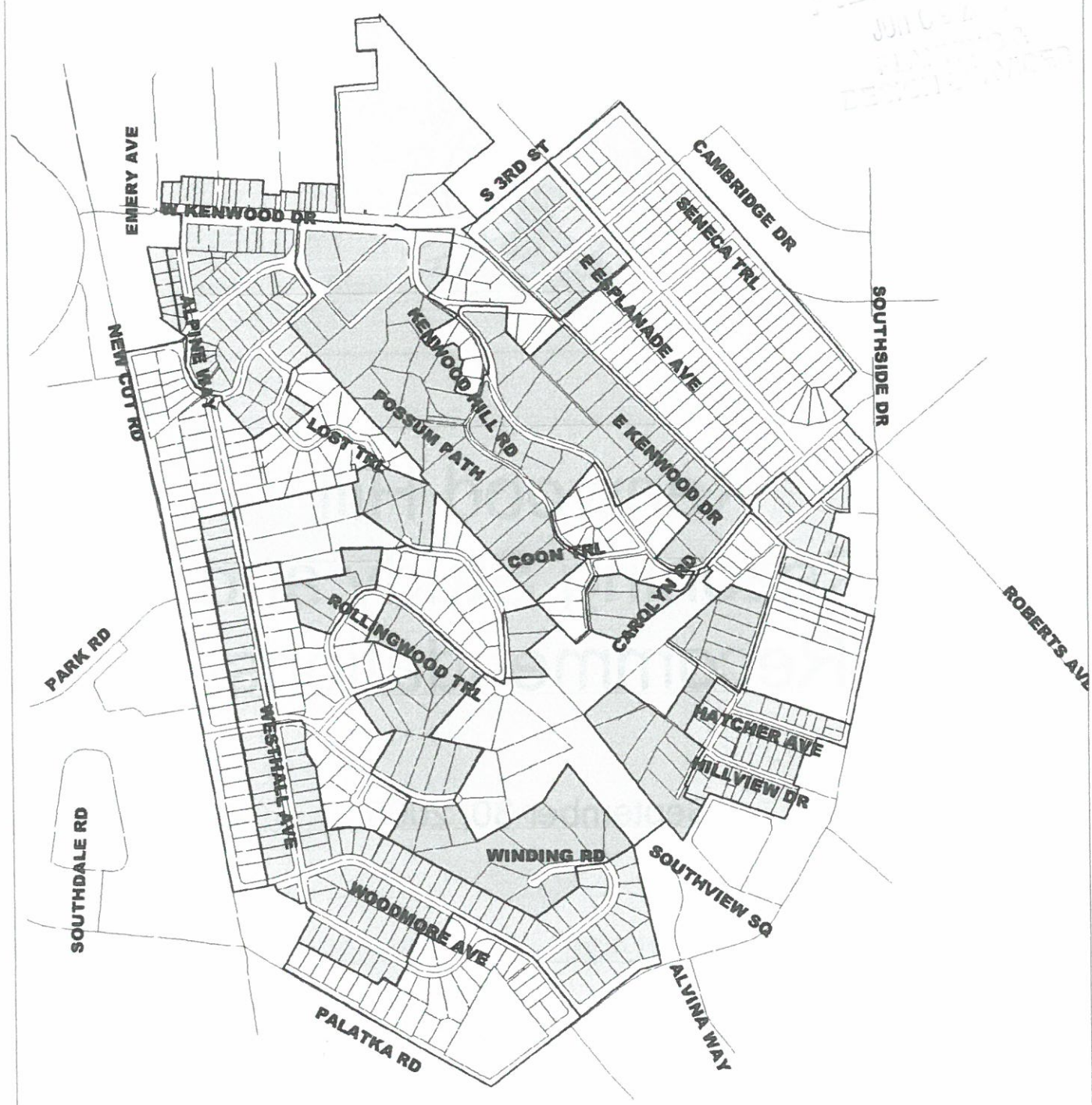
Kenwood Hill Rezoning Study and Recommendations

September 30, 2005

Prepared by:
Department of Planning & Design Services
Charles Cash, Director

23-ZONE-001

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Kenwood Hill Rezoning Draft 03-22-06

300 0 300 600 Feet



- Streets**
 Street
Boundary
 Boundary
Resultant Zoning
 C-1
 R-1
 R-2
 R-4
 R-S (no change)
 No Data

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23-22WE-00411



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September 30, 2005
Kenwood Hill Rezoning
Study and Recommendations

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Potential Development Under Existing And Proposed R-4 Zoning	28
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Chapter 3 Recommended Strategy	36
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Kenwood Hill Rezoning Study Summary

Conclusions And Recommendations

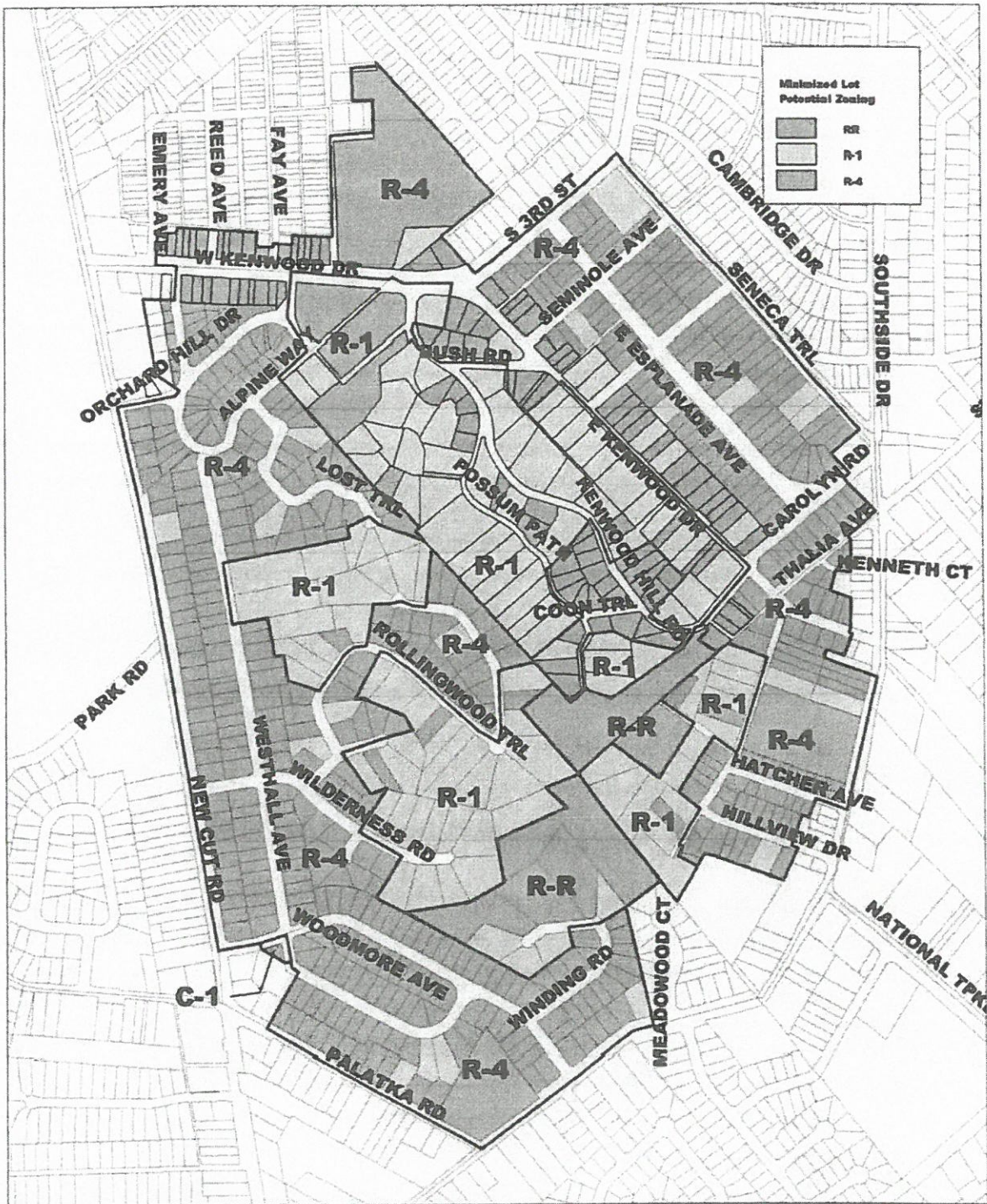
Kenwood Hill is a viable and vibrant neighborhood with an excellent natural setting. However, the environmental elements that make it a desirable area to live also create the potential that additional growth would degrade the quality of the area. Planning and Design Services (P&DS) staff examined the need for a protective rezoning based on a request of the Louisville Metro Council in a resolution sponsored by Councilman Dan Johnson. The request concerned a part of the Kenwood Hill area where neighbors had circulated a petition asking P&DS to rezone the property from R-5 to R-4.

Our findings are that the entire area of Kenwood Hill that is currently zoned R-5 Residential Single-Family should be rezoned to a lower density Residential Single-Family zoning classification to minimize the potential for new lots to be created. Narrow winding roadways, slope, and adverse soils subject to erosion and mass wasting provide compelling reasons for down zoning this area and are supported by Goals and Objectives of the Cornerstone 2020 Comprehensive Plan. The initial recommendation to rezone the area to R-4 Residential Single-Family was expanded in scope and integrated with two very low density Residential Single-Family classifications to reduce the total number of lots that could be created under R-4 zoning alone. Additionally, lots that were split between commercial (C-1) and R-5 zoning had their C-1 portion included in the rezoning to R-4. At the same time, an exit from a C-1 zoned use through a portion of its lot that was currently split zoned (R-5) is recommended rezoned to C-1 to make the exit legal. Maps 1 and 2 provide draft recommendations for rezoning the area. The table below summarizes acreage of the resultant zoning under the two scenarios.

RECOMMENDED ZONE	SCENARIO 3 ACRES	SCENARIO 4 ACRES
C-1	0.329	0.329
R-1	61.401	95.452
R-4	220.119	219.272
R-R	54.791	21.589
TOTAL	336.64	336.642

Scenario 4 is recommended although either will substantially achieve the goals of the neighborhood and promote the intent of Cornerstone 2020 policies.

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Kenwood Hill Rezoning Scenario 4 Draft Recommended Boundaries

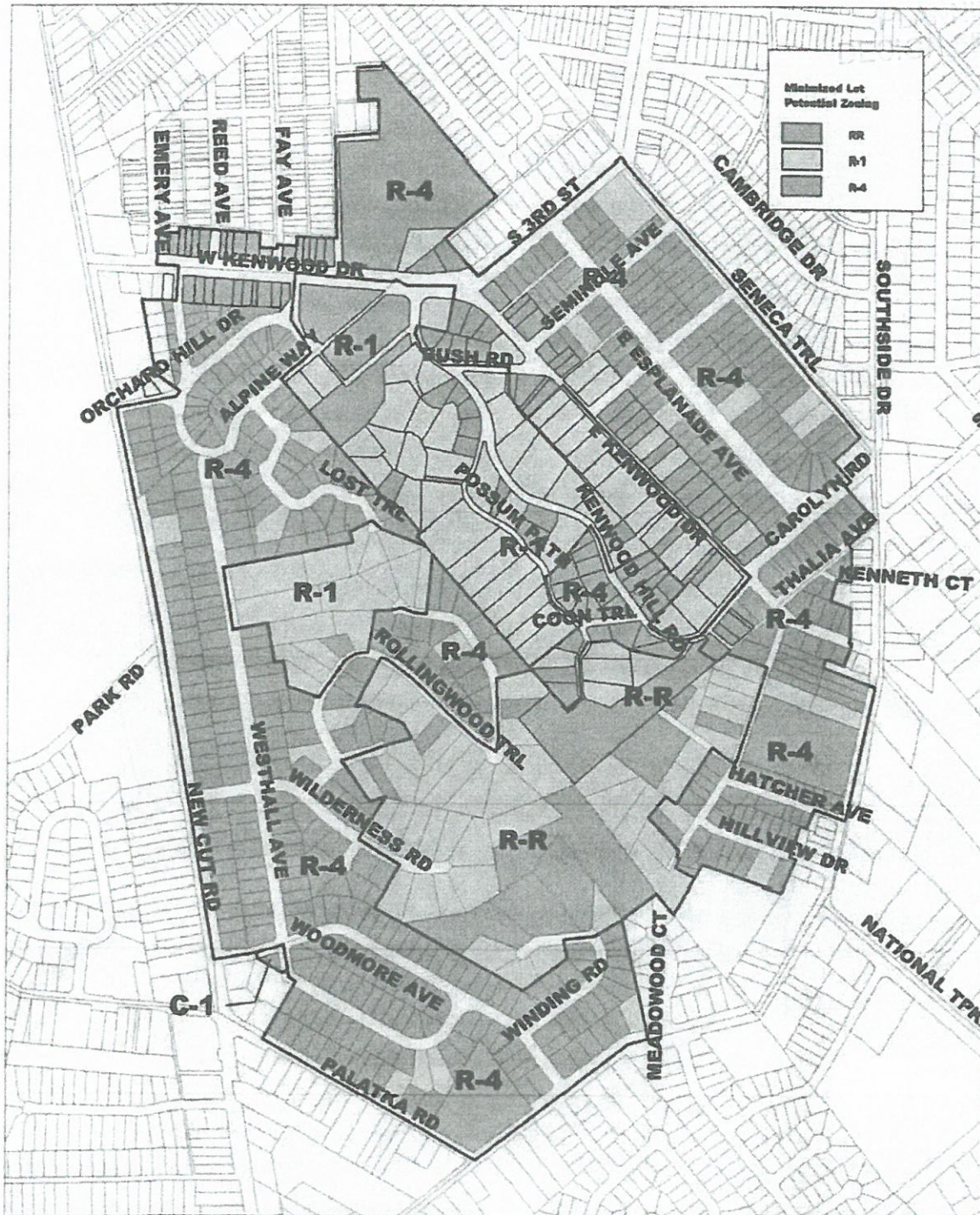
Recommended
Zoning Boundaries
Petition Area



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23-2024-004

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Kenwood Hill Rezoning Scenario 3 Draft Recommended Boundaries

Recommended
Zoning Boundaries
Petition Area



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23-JUNE-0011

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Chapter 1 Background

Kenwood Hill's development began as a summer retreat area for wealthy urban dwellers seeking to escape Louisville's summer heat. In the late 19th century they built log cabins and much more substantial homes on the wooded hillsides. The development paralleled the City's purchase and development of the nearby land that was to become Iroquois Park and the Olmsted Parkway system that connected it to the then distant developed areas of the city. It was not until the 1939 that the upper elevations of Kenwood Hill's gradual growth was replaced by a series of recorded "major" subdivisions that culminated in 1968 with the final section of Kenwood Estates. The early subdivisions "failed to take drainage into account and paid little attention to adapting the steep, forested hills. Severe water runoff problems and extensive soil erosion developed, damaging the remaining forest, roads and house foundations" according to an article in the Courier Journal. This antidotal evidence supports inferred problems with soils and geological makeup of the area that are explored in latter sections of this report as a basis for limiting potential future growth. Map 3 presents the year in which subdivisions were recorded in the area.

Scope Of Study

This project was initiated at the request of the Louisville Metro Council. Councilman Dan Johnson prepared the resolution in response to a petition circulated to property owners in a portion of the Kenwood Hill neighborhood. The area where petitions were distributed and the individuals that endorsed the reduction in allowed density in the area are shown on Map 3, Kenwood Hill Rezoning Request. The initial concern in the neighborhood arose when a minor subdivision was proposed along West Kenwood Drive and neighbors realized that the existing R-5 single-family residential zoning would allow additional large lots in the neighborhood to be subdivided. Traffic, impacts on the forested areas and drainage issues as well as the potential for soils and slope related problems are all present to support this concern.

Resolution

A copy of the resolution (#97-2005) can be found in Appendix IV.

Petition

A copy of the Petition can be found in Appendix V.

Boundary Map

The boundary map on the following page shows the limits of persons petitioned (or responding to the petition). This is an area that overlaps a portion of Kenwood Hill.

Existing Conditions

Zoning, Form Districts and Form Areas

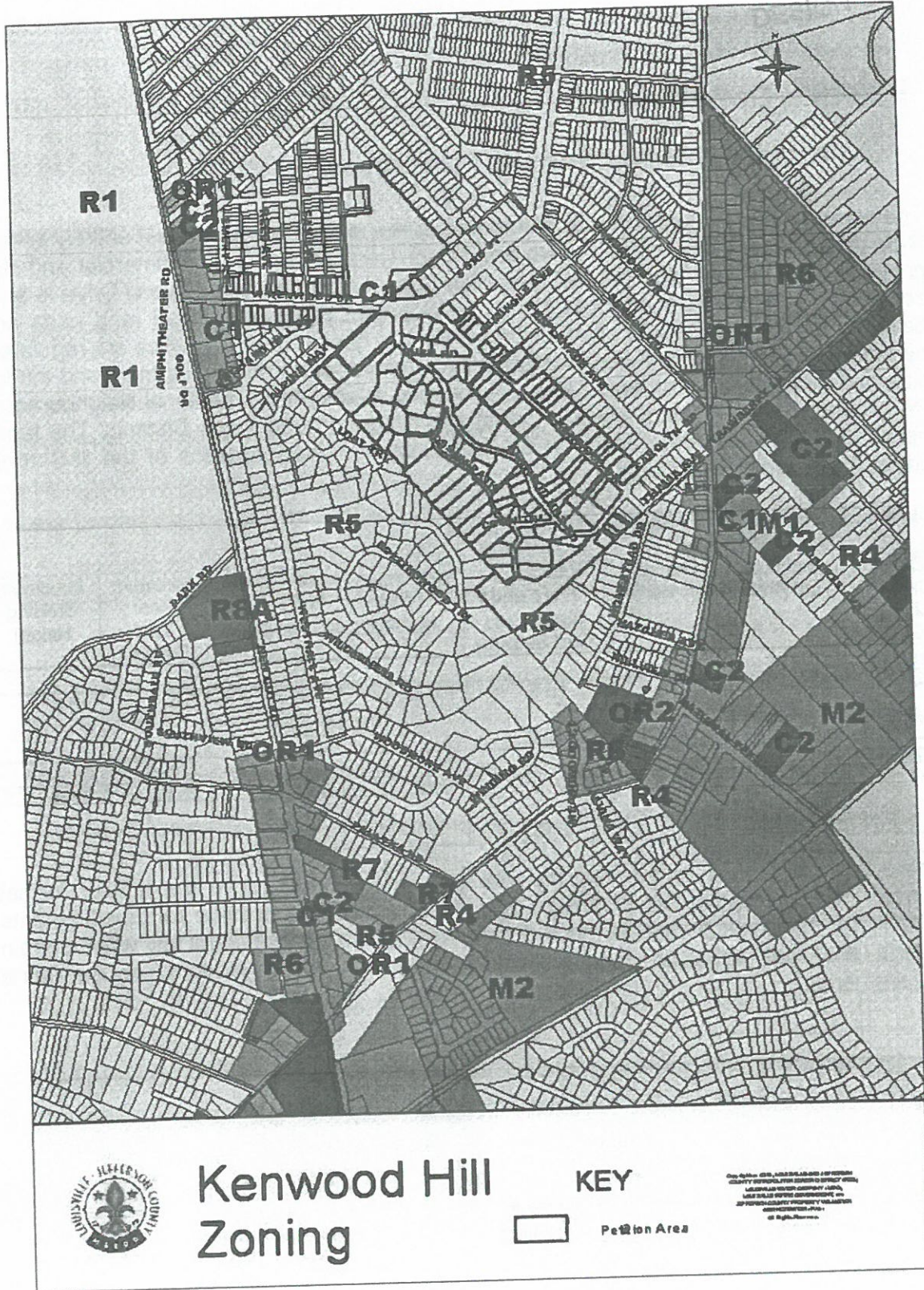
The areas where the petition was distributed or responded to, are almost entirely zoned R-5, single family residential. Two entire lots were zoned C-1 commercial and the property housing the sign for DeSales High School along West Kenwood Drive is also zoned C-1. In Metro's adopted Land Development Code, permitted land uses are based upon the applicable zoning district while site design characteristics are regulated by the Form District. The Form District defines the character of development and the lot size and setback requirements. The petition area is split into Traditional Neighborhood (North and East of West Kenwood Drive) and Neighborhood Form Districts. The table below illustrates the differences in the development characteristics of the R-5 zone under these two form districts.

Dimensional Standards – Residential Development

Density Category Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Front and Street Side Yard Setback	Maximum Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Traditional Neighborhood							
R-5	6,000 sq. ft.	35 ft.	FY 15 ft. SSY 3 ft.	FY 25 ft.	3 ft.	5 ft.	45 ft.
Neighborhood							
R-5	6,000 sq. ft.	50 ft.	25 ft.	None	5 ft.	25 ft.	35 ft.

There are exceptions to the dimensional standards contained in the tabular format above. The Alternative Development Incentives regulations provide for developments with higher than typical yield in the R-5 (and R-4) zones on individual lots when certain criteria are met although the average density still must conform to the zone requirements.¹

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Map 4

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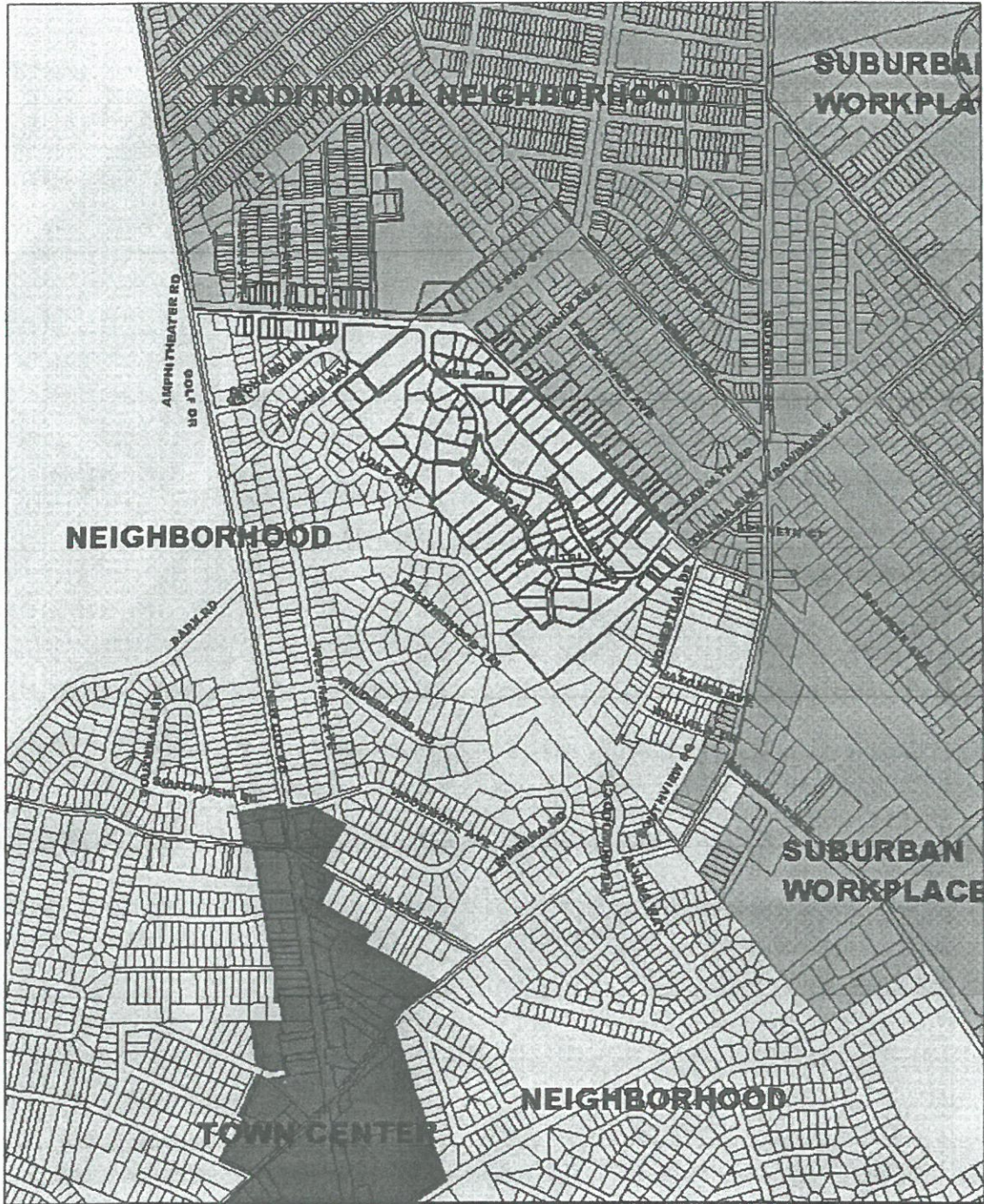


Kenwood Hill Subdivision Activity



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Kenwood Hill Form Districts

KEY

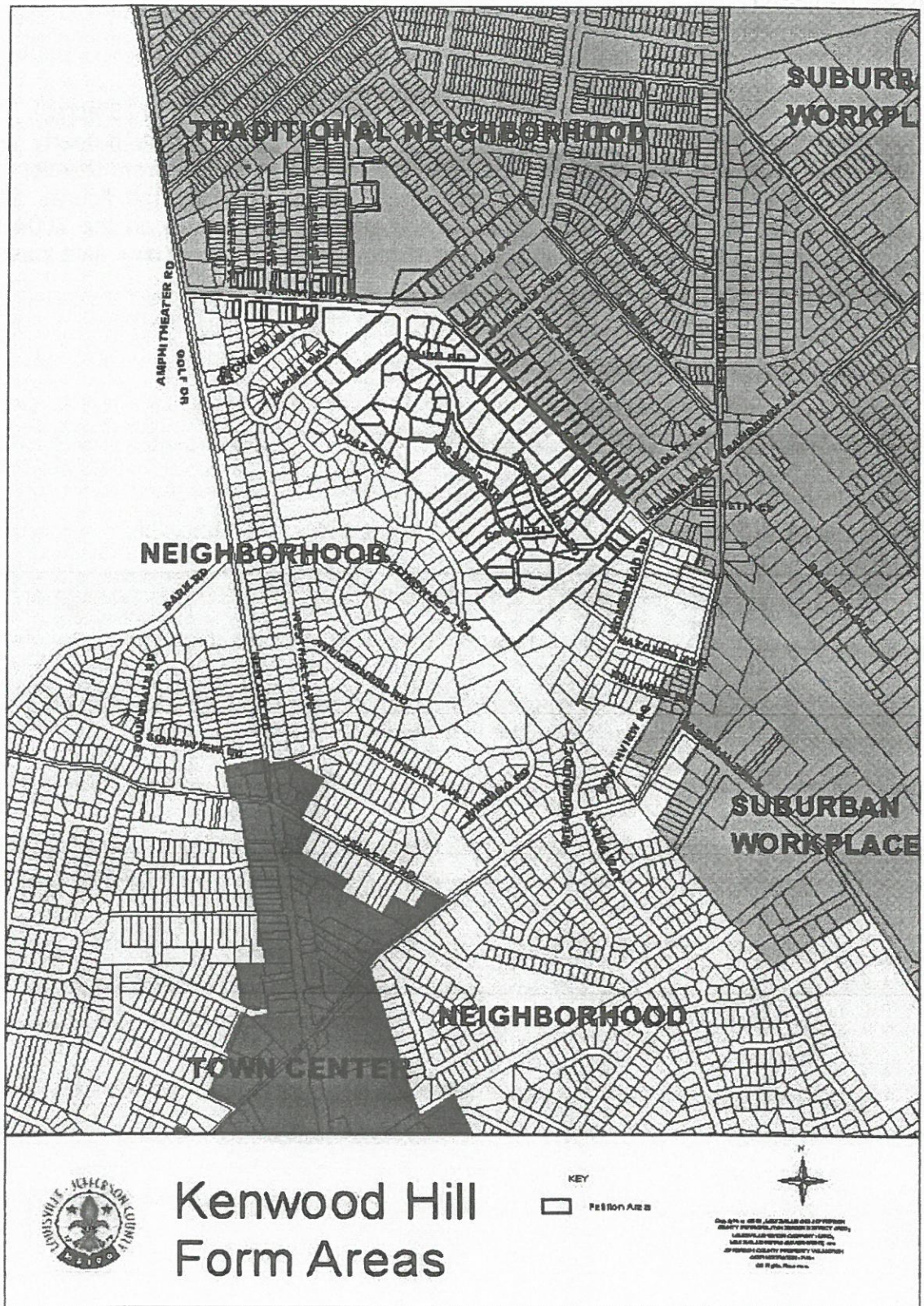
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Map 6

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Map 7

23-20UE-001

Land Use

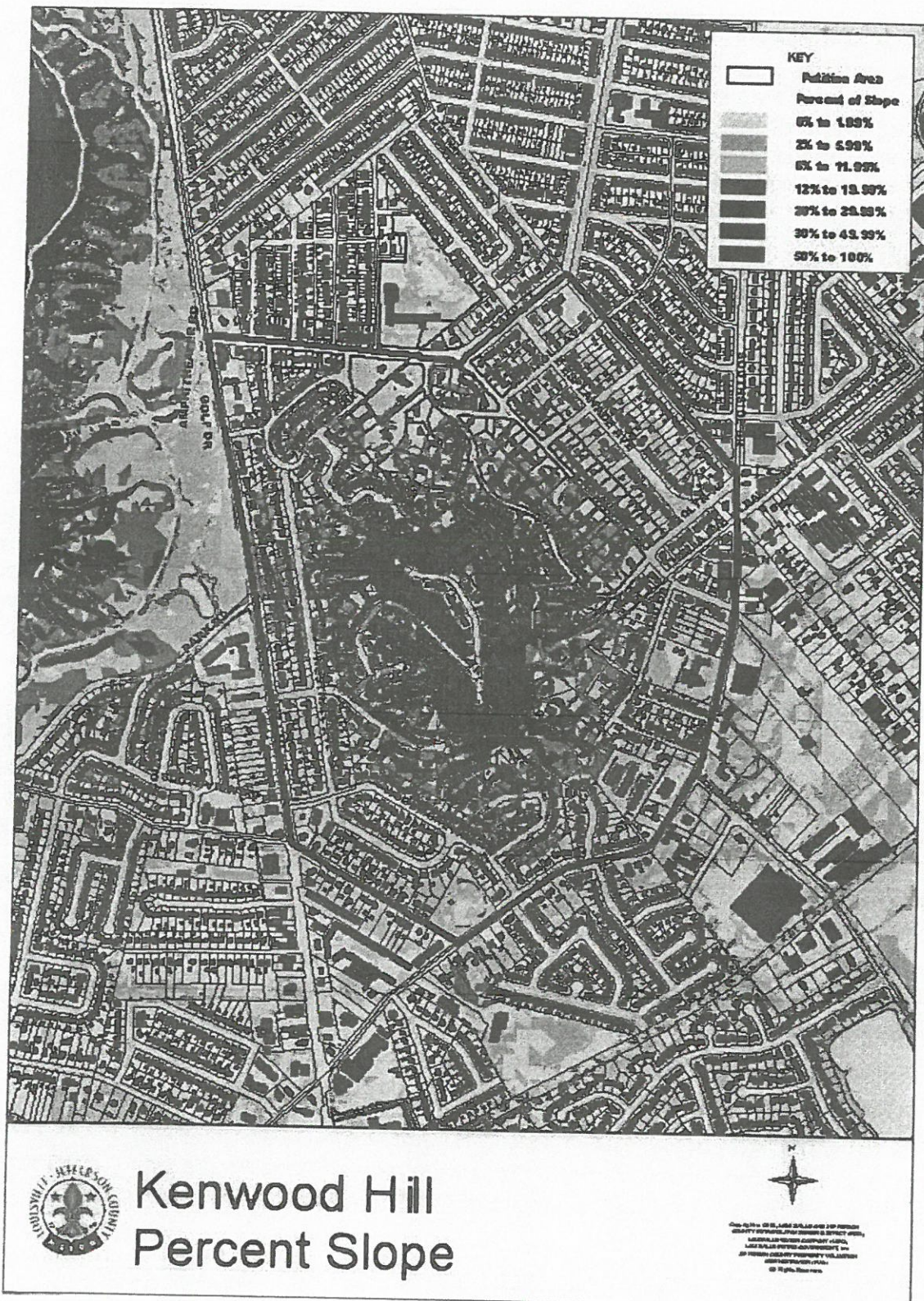
Land use in the petition area is primarily single-family residential (61.728 acres). There are also tax-exempt "public" uses (Desales, the Little Loom House property and a scattering of otherwise tax exempt property that may be protected from development) that total 12.878 acres. Vacant lots total 12.116 acres. The acreage figures do not include rights of way. The following map is a classification based on the 2004 PVA ownership use classification and improvement data and is not based on a field survey.



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Slope

Steep slopes within and surrounding the area where the petition was circulated are both a major environmental limitation and a key element of the identity and attraction of this neighborhood. Views from the top of Kenwood Hill are nearly as impressive as those from the lookouts on the top of Iroquois Park. Unfortunately, as the next section will explore, the underlying geology of this area may make these slopes prone to various forms of mass wasting.



Map 9

23-JUNE-2004

Soils/Geology

The soils in this part of the community were not mapped as it was already developed in 1966. The geology of the area has been mapped and because soils are a product of the weathering of base rock materials we can infer that similar soils and soil's related constraints are found in this area as in nearby mapped areas of the county's soils. Finley Hill lies about a mile and one half southwest of Kenwood Hill and stands apart from the larger area of hillsides to the west in a similar manner. Soils found there are shown in the table below and on the map which follows. Slope, erosion and the

SOIL	DESCRIPTION
CaB	CAPTINA SILT LOAM, 2 TO 6 PERCENT SLOPES
CaC2	CAPTINA SILT LOAM, 6 TO 12 PERCENT SLOPES, ERODED
LnB	LORING SILT LOAM, 2 TO 6 PERCENT SLOPES
LnC2	LORING SILT LOAM, 6 TO 12 PERCENT SLOPES, ERODED
Mm	MELVIN SILT LOAM
RcE	ROCKCASTLE SILT LOAM, 15 TO 30 PERCENT SLOPES
Ty	TYLER SILT LOAM
ZaC2	ZANESVILLE SILT LOAM, 6 TO 12 PERCENT SLOPES, ERODED
ZaD2	ZANESVILLE SILT LOAM, 12 TO 20 PERCENT SLOPES, ERODED

potential for gradual and abrupt earthslides in areas like this are very likely present in the Kenwood Hill area and may have already affected homes. In the lower slope areas gradual earth movement can be seen in fence posts and utility poles that lean in a downslope direction. Foundations and basements may experience structural failure and underground utilities may also fail. Such downslope movement can be much more abrupt in higher slope areas. These conditions are a result of shale bedrock that weathers into clay becoming saturated by water.

Human activity can increase the potential problem by altering drainage patterns or blocking normal channels or removing tree cover. Cross slope roads that trap water on the upper side of the road can fail, blocking access and presenting a hazard to residences in the path. The second map shows the areas on Finley Hill where unstable soils exist. Finally, a map is presented which indicates areas on Kenwood Hill that, based on elevation, may be subject to similar unstable soil problems. As a speculative map it is intended to illustrate the need for soils testing for any construction on Kenwood Hill.

Cornerstone 2020 Goals that support considering the soils and geology of an area when determining future land use include:

- Goal E1. Control soil erosion and the effects of sedimentation resulting from surface water runoff.
- Goal E2. Minimize the impact of changing land use on natural features and ecosystems. and,
- Goal E4. Protect steep slopes and sensitive soils. (see Appendix I for full text)

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A topographic map showing a hill area. The hill is shaded with diagonal lines and labeled 'UNSTABLE AND STEEP' on the left side and 'UNSTABLE' on the right side. The map includes contour lines, a north arrow in the top right corner, and various geographical features like roads and fields.



Finley Hill Soils

200 0 200 400 600 Feet

Copy to Me at 408, 1408 S.E. 15th Ave, 1st Floor
COUNTY PROPERTY COLLECTION DEPARTMENT
MICHIGAN POWER COMPANY, INC.
1408 S.E. 15th Ave, Suite 100
1st Floor
COUNTY PROPERTY COLLECTION
DEPARTMENT
408 S.E. 15th Ave, Suite 100

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Kenwood Hill - Areas Where Unstable Soils May Be Present

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The photographs that follow provide a glimpse of the ways that unstable soils may have already affected buildings in the neighborhood (Photographs courtesy of Stefanie Buzan) and Appendix VI contains an engineering report for the "Tophouse" of the Little Loomhouse settlement concerning slope movement.

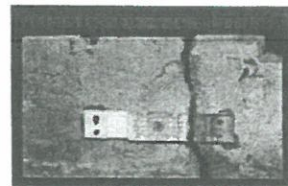
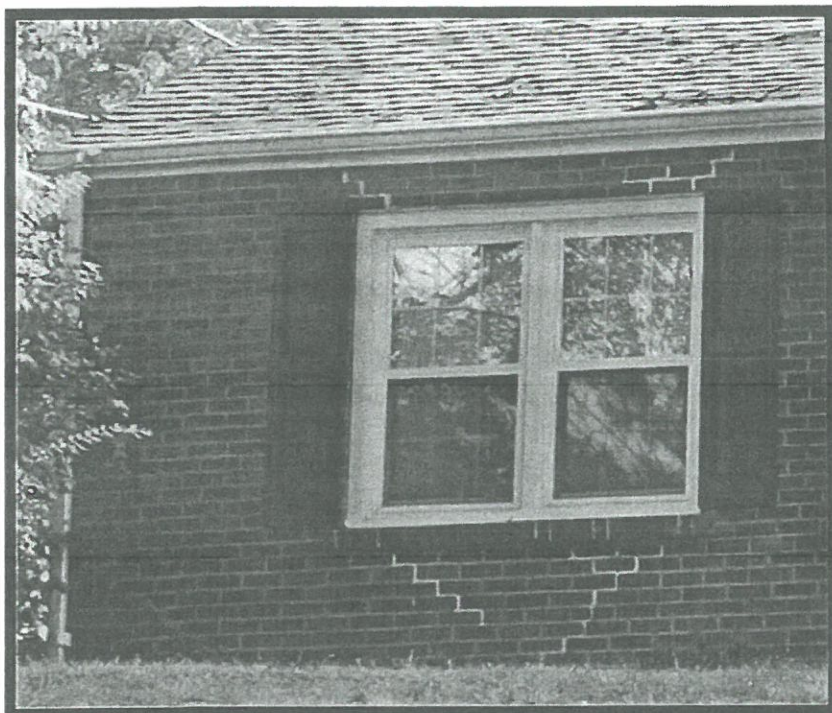


Photo 1: (Above) Gauge measuring movement in the foundation of the Little Loomhouse

Photo 2: (Left) House on Westhall Avenue showing cracks in wall



Photo 3: (Left) Driveway on Lost Trail showing signs of down slope settling

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Transportation

Four arterial roads border or converge on the Kenwood Hill area, New Cut Road, Palatka Road, Southside Drive and National Turnpike. The remaining streets in the neighborhood are minor local roads. Map 15 shows existing Functional Street classification for the neighborhood.

Sidewalks are only found on the down slope streets in the neighborhood and are absent on the streets that ascend the hill. Map 13 shows existing sidewalks in the area. Part of the reason there are no sidewalks on the upper slope areas is that the actual pavement width of the roads is substandard due to a lack of "created" level ground. The roads on the upper slopes, particularly in the areas where the petition was circulated were built with minimum cuts into the hillside and pavement in many places will not allow two cars to pass. Map 14 shows existing streets that have substandard pavement width (less than 18 feet). A street width minimum of 18 feet is required for local access streets in a standard subdivision. However, additional width may be required when steep slopes and sharp turns are involved to allow fire and emergency equipment access for vehicles that cannot make tight turn radii.

(Photographs courtesy of Stefanie Buzan)



Photo 6: Lost Trail narrow pavement (two way street)

Cornerstone 2020 Goals that support considering the pedestrian transportation features in an area when determining future land use include:

Environment And Mobility

Goal H1. Integrate bicycle and pedestrian facility planning into regional and local transportation planning programs.

Goal H2. Develop a comprehensive, convenient and direct bicycle and pedestrian transportation network that serves the needs of Jefferson County.

The following Guideline of Cornerstone 2020 supports meeting standards for roadways when growth occurs:



Photo 7: Possum Path narrow pavement (two way street)

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Photo 4: (Left) Retaining walls showing signs of earth shifting on Lost Trail

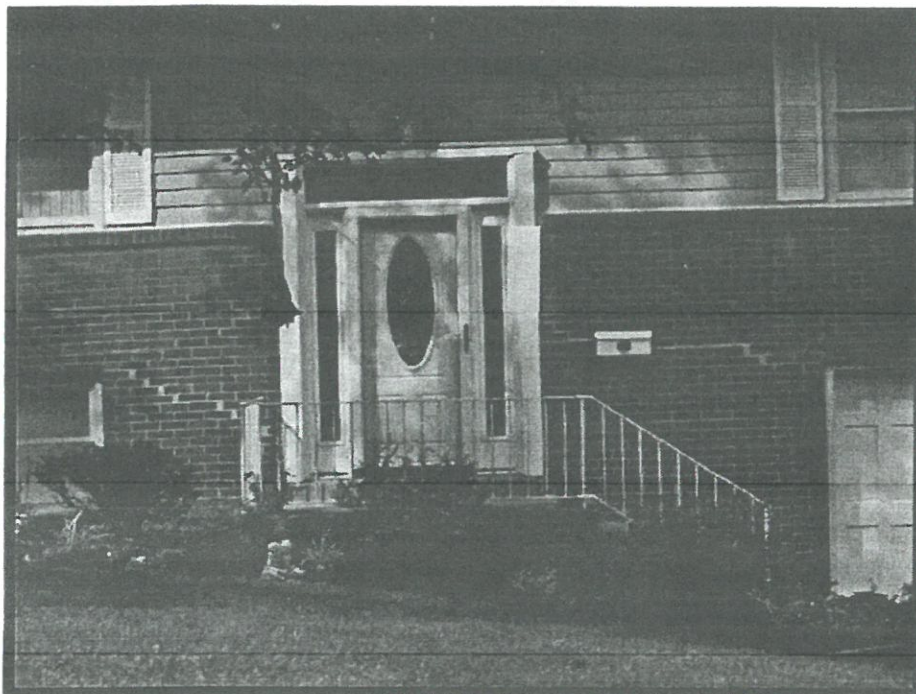


Photo 5: (Left) House on Wilderness Trail showing cracks in wall

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C. Mobility/Transportation

Guideline 7. Circulation

Ensure a balanced and comprehensive multi-modal transportation network that is coordinated with desired growth and development patterns and provides for the movement of people and goods.

Intent:

- To provide for safe and proper functioning of the street network with a coordinated hierarchy of arterial, collector and local roads.

- To ensure that new developments do not exceed the carrying capacity of streets.

- To ensure that internal and external circulation of all new development provides safe and efficient travel movement by all types of transportation.

Another issue impacting the transportation and drainage system on Kenwood Hill is the impact of storm water runoff. The shoulders of streets in the area are eroded by the high velocity runoff and the down slope areas are covered with the debris that washes out and storm sewers are clogged by it. This presents a safety hazard.

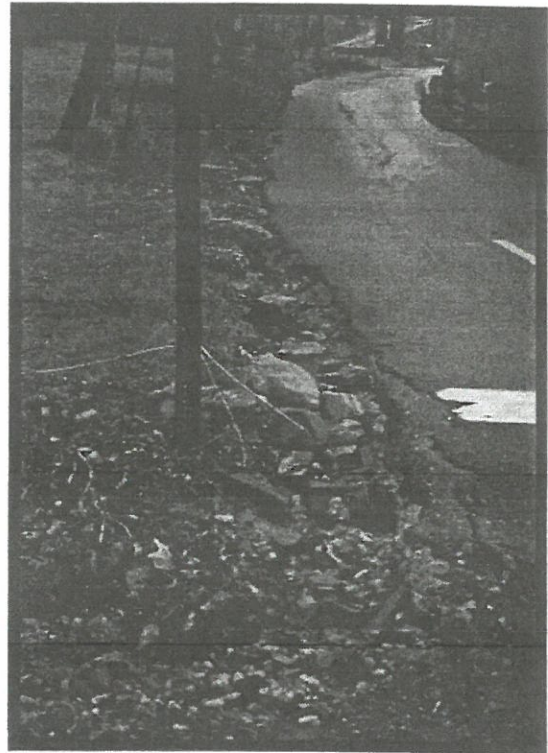


Photo 9: Erosion

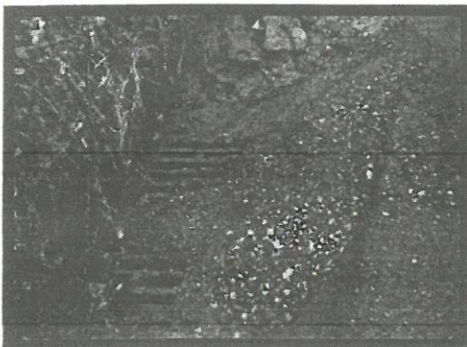


Photo 8: Runoff debris cloggig drain

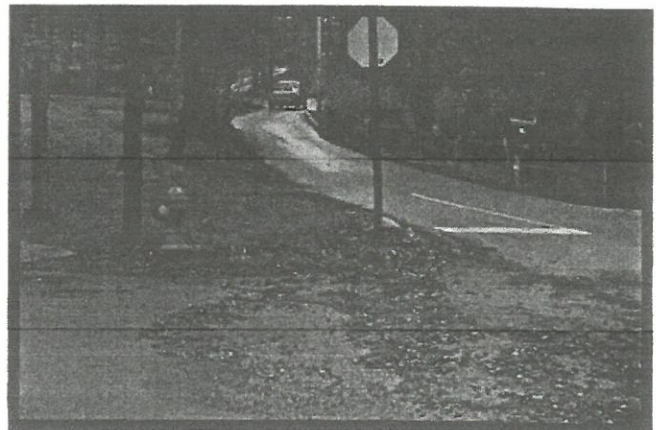
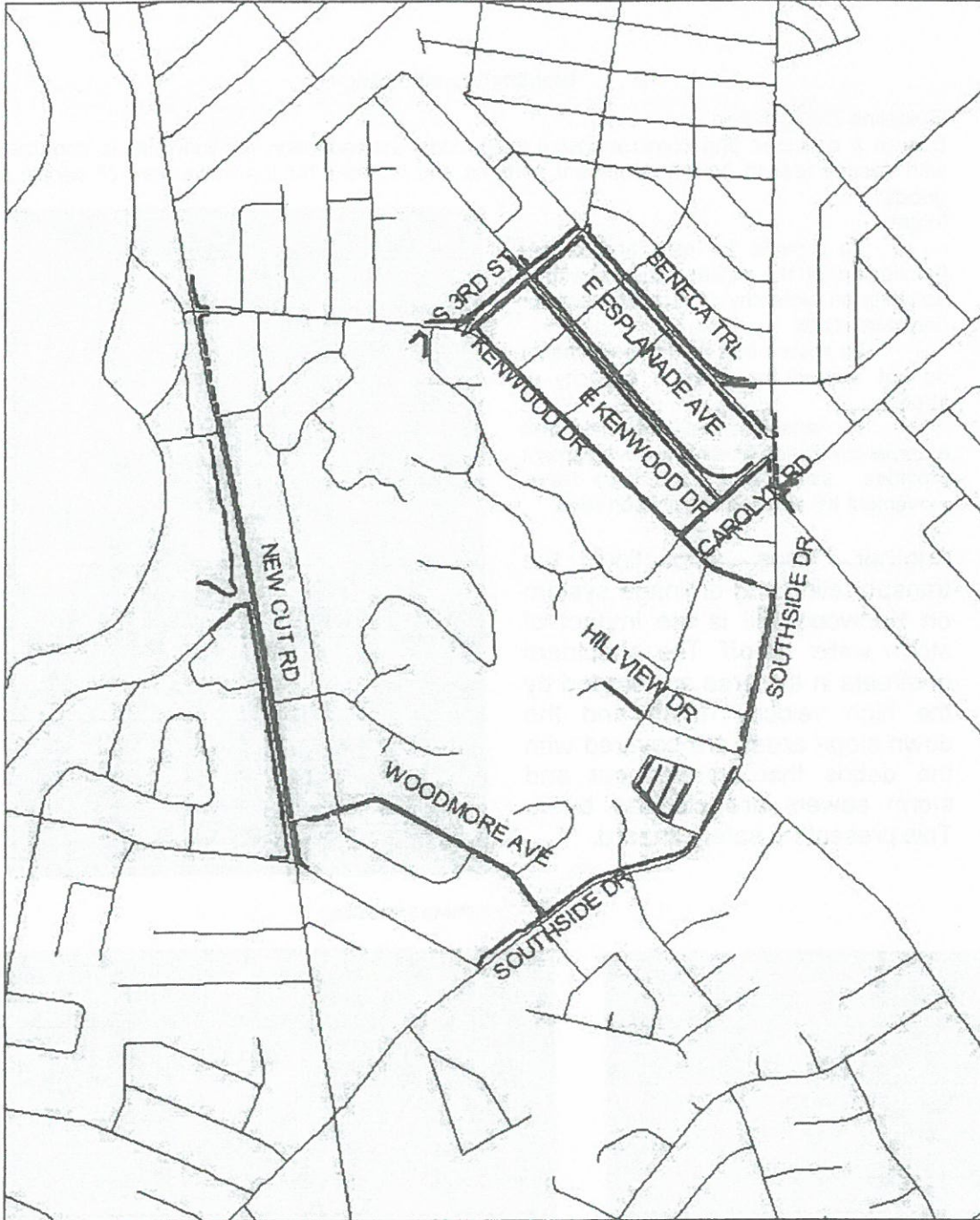


Photo 10: Runoff debris on street

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Kenwood Hill Existing Sidewalks

Sidewalks
Street Centerlines



Map of the City of Kenwood Hill, Louisiana, showing the location of the Kenwood Hill neighborhood. The map is a reproduction of a map created by the City of Kenwood Hill, Louisiana, and is not a legal document. It is intended for informational purposes only. The City of Kenwood Hill, Louisiana, is not responsible for any errors or omissions in this map. All rights reserved.

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Kenwood Hill Narrow Pavement Widths



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Forested Areas

As Map 16 shows most of the area of Kenwood Hill is heavily forested. This graphic does not map the forested areas adjacent to the study area boundaries.

In addition to providing an attractive setting and shade, the tree cover provides stability in areas where unstable soils exist by anchoring the soil with their roots and reducing the amount and speed of rainfall runoff. The tree cover also reduces surface erosion.

Cornerstone 2020 Goals that support considering the forest and landscape features in an area when determining future land use include:

Landscape Design and Management

Goal F2. Enhance, preserve and restore the natural landscape character of Jefferson County.

Woodland Conservation and Tree Preservation

Goal F4. Strive to preserve and protect trees through careful site design, construction planning, and tree replacement and reforestation techniques.

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Historic/Cultural Sites

The map (Map 17) following this narrative shows the location of four National Register of Historic Places sites within the Kenwood Hill. The web site for the Cornelia Bush House (currently used as bed and breakfast lodging) provides the following narrative that also details the history of the nearby homes:

Built in 1894, the Cornelia Bush House is significant due to its architecture. The house was designed by W.J. Dodd while he was in partnership with Mason Maury. The Cornelia Bush House is one of the earliest and purest examples of the Colonial Revival style in Louisville, Kentucky today. It can also be said to be among the finest representatives of the style in the city as applied to residential architecture.

The history of the Cornelia Bush House is closely related to the history of Kenwood Hill itself, known in the nineteenth century as "Cox's Knob" and by the Cherokee Indians as "Sunshine Hill."

In 1890, the Kenwood Park Residential Company purchased 125 acres, including Cox's Knob, from Charles Gheens, who became an officer of the company. Sam Stone Bush, secretary of the company, in turn purchased several parcels including the lot that contains the Little Loomhouse cabins (National Register, 1975). (Summer homes of the sisters who wrote "Happy Birthday to You." It is believed that Eleanor Roosevelt purchased table linens loomed here for the White House in Washington, D.C.) Further down the hill from the Loomhouses, Bush built his own home at 230 Kenwood Hill Road (National Register, 1979), remodeled an old cabin for his sister, Cornelia Gordon, at 308 Kenwood Hill Road, and built the house at 316 Kenwood Drive for his mother, Cornelia Bush.

The National Register of Historic Places provides the following summaries for the four sites

Bush, Cornelia, House (added 1982 - Building - #82002708) also known as Bosemer House 316 Kenwood Dr., Louisville

Historic Significance:	Architecture/Engineering
Architect, builder, or engineer:	Dodd, William J.
Architectural Style:	Colonial Revival
Area of Significance:	Architecture
Period of Significance:	1875-1899
Owner:	Local Government
Historic Function:	Domestic
Historic Sub-function:	Single Dwelling2
Current Function:	Domestic
Current Sub-function:	Single Dwelling2

Bush, S. S., House (added 1979 - Building - #79000998) also known as Bouvette House 230 Kenwood Hill Rd., Louisville

Historic Significance:	Architecture/Engineering, Person
Architect, builder, or engineer:	Maury & Dodd
Architectural Style:	Shingle Style
Historic Person:	Bush, J.J.
Significant Year:	1893, 1892
Area of Significance:	Community Planning And Development, Architecture
Period of Significance:	1875-1899
Owner:	Private
Historic Function:	Domestic
Historic Sub-function:	Single Dwelling2
Current Function:	Domestic
Current Sub-function:	Single Dwelling2

Gordon, Cornelia, House (added 1982 - Building - #82002711) also known as Lyddan House

308 Kenwood Hill Rd., Louisville

Historic Significance:	Architecture/Engineering
Architect, builder, or engineer:	Unknown
Architectural Style:	No Style Listed
Area of Significance:	Architecture
Period of Significance:	1875-1899
Owner:	Private
Historic Function:	Domestic
Historic Sub-function:	Single Dwelling2
Current Function:	Domestic
Current Sub-function:	Single Dwelling2

**Little Loomhouses ** (added 1975 - Building - #75000770) also known as Little Loomhouse;Wistaria Cabin;Tophouse
328 Kenwood Hill Rd., Louisville**

Historic Significance:	Event, Architecture/Engineering
Architect, builder, or engineer:	Unknown
Architectural Style:	No Style Listed
Area of Significance:	Art, Education, and Architecture
Period of Significance:	1850-1874, 1875-1899
Owner:	Private
Historic Function:	Commerce/Trade, Domestic, Recreation And Culture
Historic Sub-function:	Single Dwelling2
Current Function:	Domestic, Education, Recreation And Culture
Current Sub-function:	Museum, Single Dwelling2

Cornerstone 2020 Guidelines that support considering historic and cultural features in an area when determining future land use include:

Guideline 5. Natural Areas and Scenic and Historic Resources

Protect natural areas, natural features and important scenic and historic resources. Locate development, whenever possible, in areas that do not have severe environmental limitations.

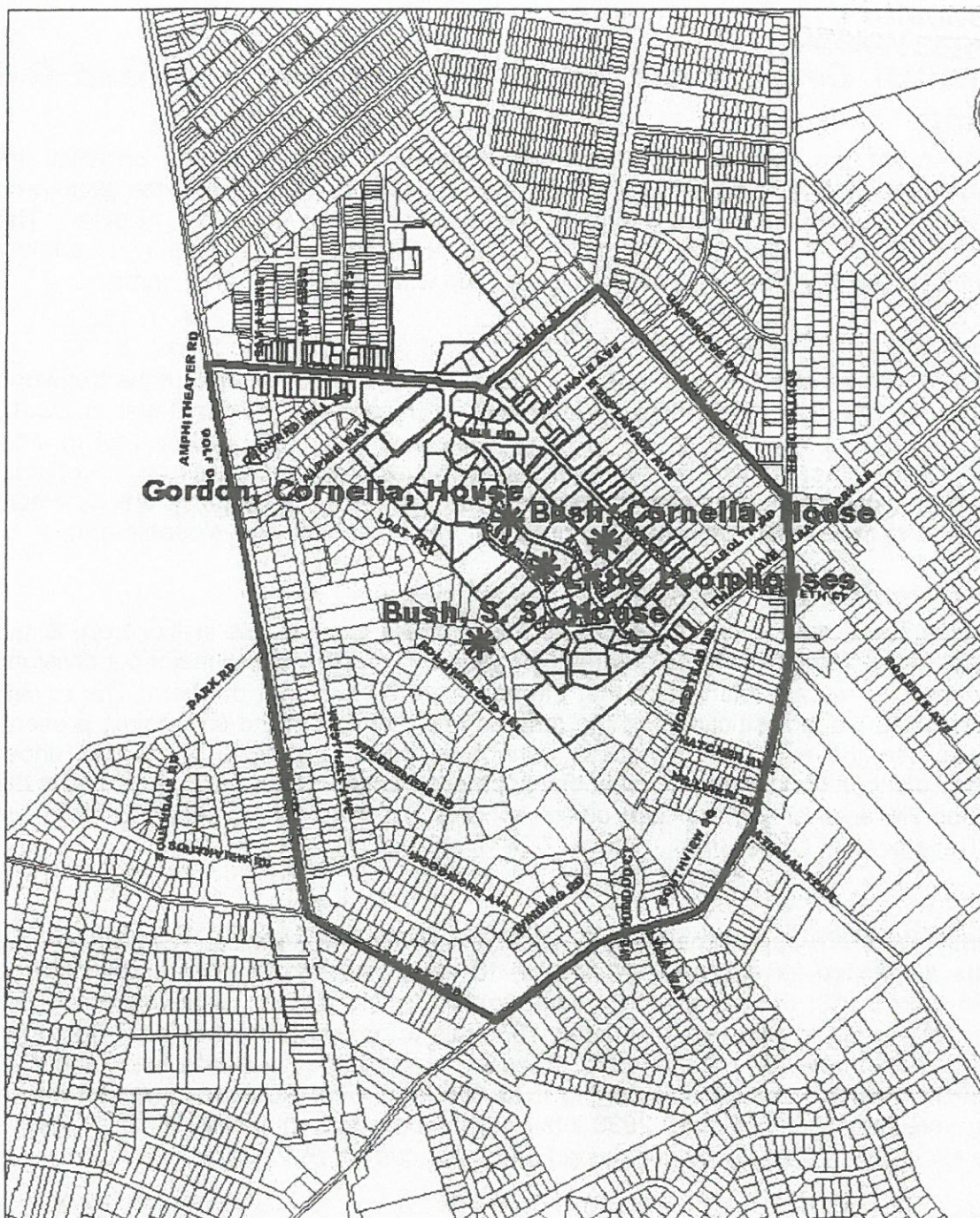
Intent: To guide future public and private economic development, investment, and preservation within areas identified as an important resource by the community.

.....
2. Historic Resources. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, bulk, scale, architecture and placement when located within the impact area of such resources.

3. Distinctive Cultural Features. Encourage preservation and use of landscape and built features particular to distinctive areas.

4. Preservation and Reuse of Historic Sites. Encourage preservation and use or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by Jefferson County Historic Landmarks and Preservation Districts Commission or the Louisville Landmarks Commission or other national, state or local government historic preservation agencies.

.....



Kenwood Hill Historic Structures



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Potential Development Under Existing And Proposed R-4 Zoning

The intent of the neighborhood rezoning proposal is to reduce the potential for additional development on Kenwood Hill. The constraints present and the goals and objectives of Cornerstone 2020 support this position for much of the hillside. The existing numbers of vacant lots detract from this intent. Even with a rezoning to a lower classification each vacant lot is allowed to develop with one single family home.

Existing Vacant Lots

As Map 18 illustrates there are numerous vacant lots scattered throughout the Kenwood Hill area. A survey of PVA data on improved value and the building layer in LOJIC found 94 lots that were vacant 10 of which were less than 1000 square feet in size. Some of these vacant lots may be restricted for development purposes by the original subdivision process or subsequent actions by an owner of the property. Deeds would need to be examined to eliminate lots from the pool of potentially developable areas.

Potential New Lots

More significant, due to the large size of many of the existing lots in the area, is the potential for additional lots to be created by minor and in a few cases major subdivisions from either the vacant lots or lots that already have homes built on them. The review process could place restrictions on the created lots that reflect the constraints present. But, because the subdivision process cannot be used to deny a lawful use under existing zoning, it cannot prohibit new development allowed under the R-5 zoning in the Kenwood Hill area only make sure offsite impacts are mitigated as provided for in the Land Development Code Chapter 4. Part 7 Development on Steep Slopes.

Under R-5

Currently, there are approximately 748 lots zoned R-5 in the Kenwood Hill area. About 654 are developed for single-family homes, 10 vacant but too small to easily develop and 84 vacant with the potential. Without combining lots to then subdivide them, the excess lot size could allow approximately 1838 lots to be created under the R-5 zoning. This is almost three times the number of single family homes currently found there. A theoretical maximum under R-5 zoning if all the land were somehow merged into a single development would allow 2030 lots (6000 square foot minimum). *Map 19 shows where lots could potentially be subdivided under the current R-5 zoning.*

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Under R-4

The resolution that initiated this project:

"A resolution requesting the Metro Planning Commission to study a proposal for an area wide re-zoning from R-5 Residential Single Family to R-4 Residential Single Family in the Kenwood Hill area....."

is the basis for examining how the area would fare under R-4 zoning. Without combining lots to then subdivide them, the excess lot size could allow approximately 1253 lots to be created under the R-4 zoning. This is still nearly twice the number of units allowed as are currently on Kenwood Hill in the R-5 zoning. A theoretical maximum under R-4 zoning if all the land were somehow merged into a single development would allow 1354 lots (9000 square foot minimum).

Minimum Zoning Possible/Potential New Residences

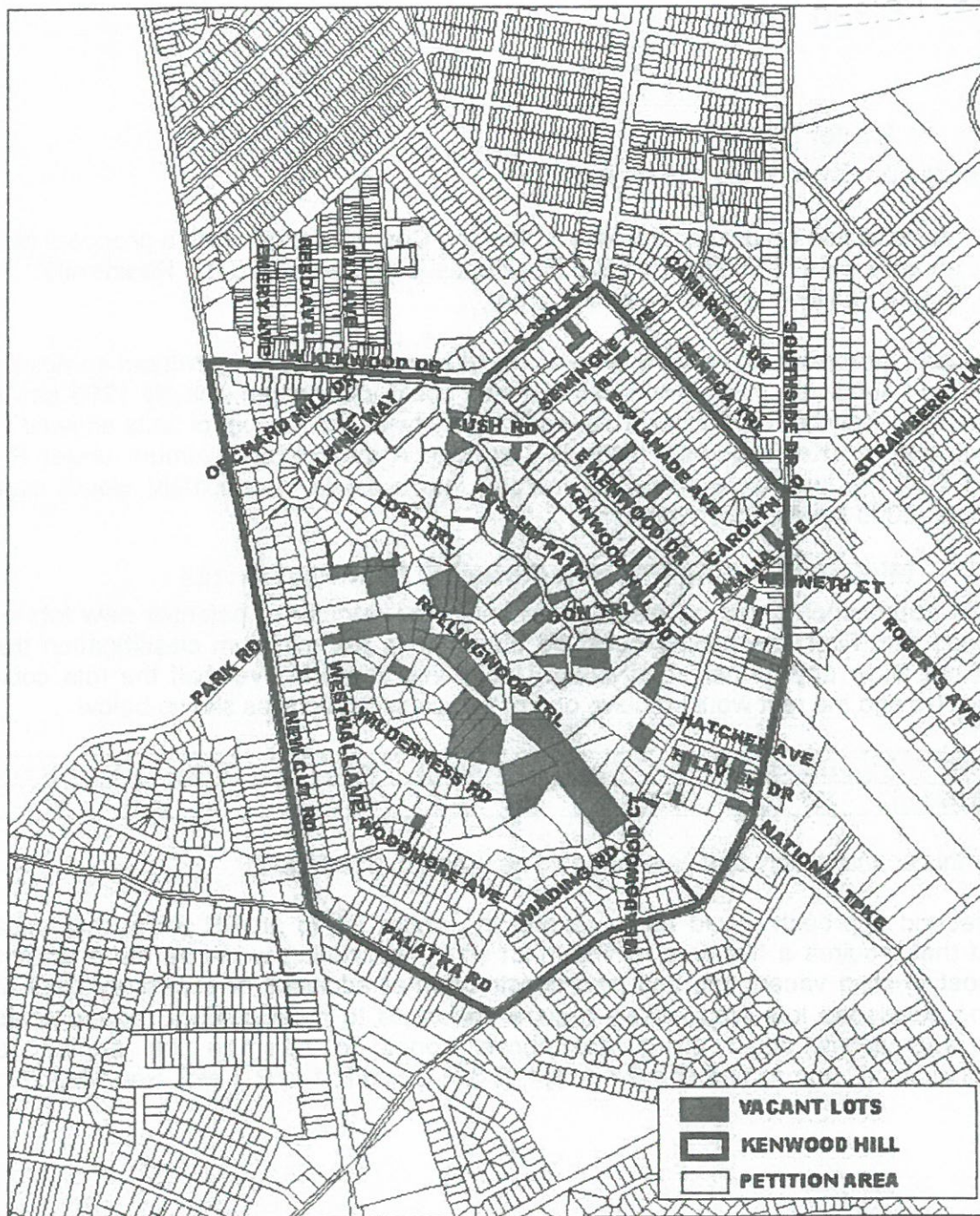
Multiple approaches could be taken to minimize the number of potential new lots on Kenwood Hill. First, the zoning could be changed to the minimum classification that would not allow any further subdivision. Under this scenario over half the lots could remain R-5 and the rest would receive one of five classifications as shown below

ZONE	R-5	R-4	R-3	R-2	R-1	RR
LOTS	398	205	62	51	20	12

Under this scenario only one new lot could be created. See Map 20.

The second approach would be to rezone the entire hill to an RR Rural residential district that requires a five-acre minimum lot size. The zoning would be more uniform but most existing vacant lots and new construction of additions or accessory uses on existing developed lots would likely require variances to meet setback requirements. Other approaches could group the above zones to minimize the number of classifications (Columns R-5 and R-4 to R4, R-3 R-2 and R-1 to R-1 etc). See Map 20.

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Kenwood Hill Vacant Lots



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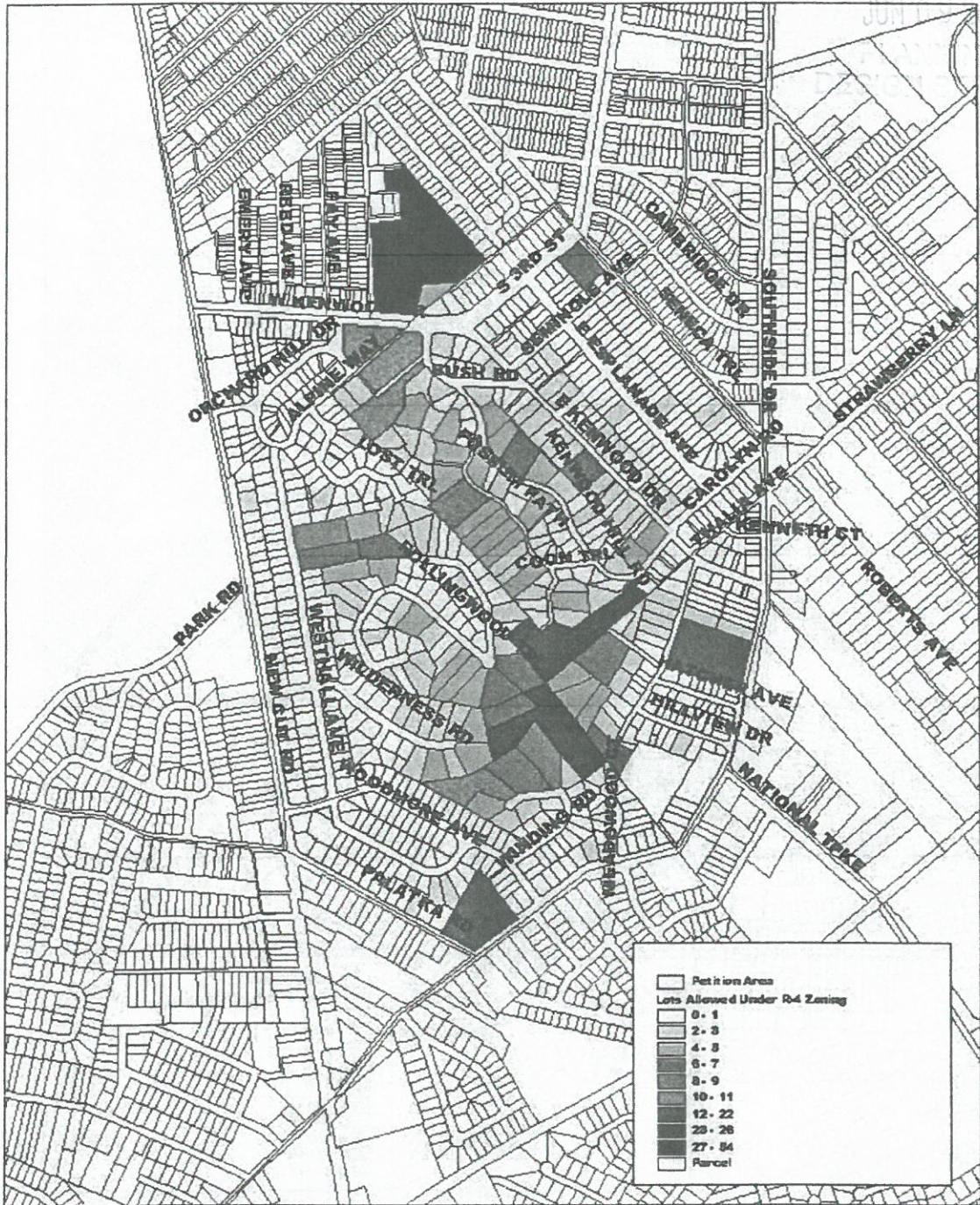
Kenwood Hill Potential Lots Under R-5 Zoning



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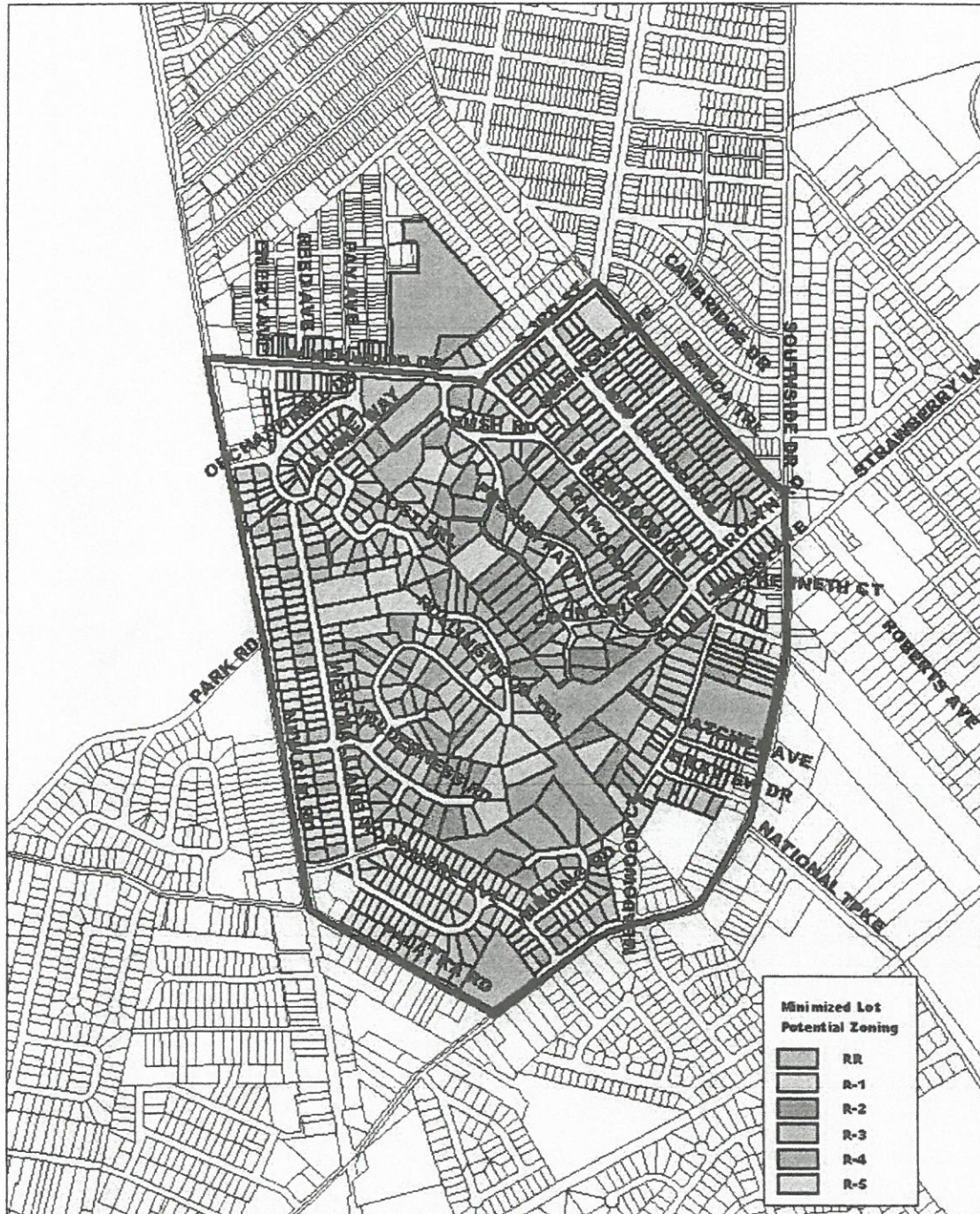
Kenwood Hill Potential Lots (Current R-5) Under R-4 Zoning



Map by the GIS and Planning Department
of the Jefferson Parish Council
for the purpose of the R-4 Zoning
Ordinance, 2011
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23-20VE-0041

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Kenwood Hill Rezoning Scenario 1



This map is for informational purposes only and does not constitute an offer of insurance or any other financial product. It is not intended to be used as a basis for any investment decision. Please consult your broker for more information.

Map 21

Map 22

23-2015-001

Chapter 2 Areas Adjacent To The Study Area Facing Similar Problems

As the graphics have attempted to show, the types of physical limitations that confront new development in the petition area, also affect adjacent areas of Kenwood Hill. Clearing for new development could create a domino effect spreading down slope and causing structural damage and in a worst-case situation structural failure. Additional traffic on narrow substandard roads that lack pedestrian facilities would also be ill advised. The goal of this project is to minimize the potential for such harmful development and it is important that we include these adjacent properties that are impacted by the same problems. Otherwise development could continue to impact the surrounding area in a negative manner while halting it within the petition area.

At the same time it must also be acknowledged that some of the areas where the neighborhood has expressed concern about new development are unlikely to have the types of limitations that the highly sloped upland areas in the neighborhood exhibit. The impact on narrow streets by new development should be minimal. The additional traffic should exit the area without passing through existing development served by narrow streets.

Chapter 3 Recommended Strategy

Kenwood Hill is a viable and vibrant neighborhood with an excellent natural setting. However, the environmental elements that make it a desirable area to live also create the potential that additional growth would degrade the quality of the area. Planning and Design Services (P&DS) staff examined the need for a protective rezoning based on a request of the Louisville Metro Council in a resolution sponsored by Councilman Dan Johnson. The request concerned a part of the Kenwood Hill where neighbors had circulated a petition asking P&DS to rezone the property from R-5 to R-4.

Our findings are that the entire area of Kenwood Hill that is currently zoned R-5 Residential Single-Family should be rezoned to a lower density Residential Single-Family zoning classification to minimize the potential for new lots to be created. Narrow winding roadways, slope, and adverse soils subject to erosion and mass wasting provide compelling reasons for down zoning this area and are supported by Goals and Objectives of the Cornerstone 2020 Comprehensive Plan. The initial recommendation to rezone the area to R-4 Residential Single-Family was expanded in scope and integrated with two very low density Residential Single-Family classifications to reduce the total number of lots that could be created under R-4 zoning alone. Additionally, lots that were split between commercial (C-1) and R-5 zoning had their C-1 portion included in the rezoning to R-4. At the same time, an exit from a C-1 zoned use through a portion of its lot that was currently split zoned (R-5) is recommended rezoned to C-1 to make the exit legal. Maps 1 and 2 provide draft recommendations for rezoning the area. The table below summarizes acreage of the resultant zoning under the two scenarios.

RECOMMENDED ZONE	SCENARIO 3 ACRES	SCENARIO 4 ACRES
C-1	0.329	0.329
R-1	61.401	95.452
R-4	220.119	219.272
R-R	54.791	21.589
TOTAL	336.64	336.642

Scenario 4 is recommended although either will substantially achieve the goals of the neighborhood and promote the intent of Cornerstone 2020 policies.

Appendices

Appendix I Cornerstone 2020 Goals And Objectives/Guidelines

Appendix II Letters And Comments Regarding The Recommendations

Appendix III: Lot Size Requirements and Setbacks

Appendix VI: Ordinance Requesting Rezoning

Appendix V: Petition distributed in the Neighborhood Concerning the Rezoning

Appendix I Cornerstone 2020 Goals And Objectives/Guidelines

E. Land

Goal E1

Control soil erosion and the effects of sedimentation resulting from surface water runoff.

Objective

- E1.1** Develop guidelines and standards to address soil erosion and sedimentation that will incorporate best management practices, provide measurable standards for storm water quantity and quality, and establish strong deterrents to violation.

Goal E2

Minimize the impact of changing land use on natural features and ecosystems.

Objectives

- E2.1** Utilize Site Plan Review guidelines and standards to identify the locations of and potential impacts on environmental resources, e.g., geological features, sensitive soils, steep slopes, and stream corridors.
- E2.2** Promote development that is sensitive to existing topography and minimizes land disturbance and major reshaping of geologic features.
- E2.3** Encourage the protection of and restoration of degraded channels.
- E2.4** Identify development techniques and solutions that would result in no or minimal disturbance to such features.

Goal E4

Protect steep slopes and sensitive soils.

Objectives

- E4.1** Define, identify and map steep slopes and sensitive soils within Jefferson County.
- E4.2** Develop guidelines and standards that define and set criteria for development on hilltops and steep slopes to protect water quality and prevent siltation of drainage channels.

Landscape Design and Management

Goal F2

Enhance, preserve and restore the natural landscape character of Jefferson County.

Objectives

- F2.1** Define and identify existing landscape types and general plant communities throughout Jefferson County.
- F2.2** Develop and implement strategies to encourage the compatibility of site design and existing natural character and environment.

Woodland Conservation and Tree Preservation

GOAL F4

STRIVE TO PRESERVE AND PROTECT TREES THROUGH CAREFUL SITE DESIGN, CONSTRUCTION PLANNING, AND TREE REPLACEMENT AND REFORESTATION TECHNIQUES.

OBJECTIVES

- F4.1** Develop and implement equitable countywide minimum standards and strategies for tree protection, preservation, replacement and planting that provide incentives for maintaining existing high quality trees.

C.Mobility/Transportation

Guideline 7. Circulation

ENSURE A BALANCED AND COMPREHENSIVE MULTI-MODAL TRANSPORTATION NETWORK THAT IS COORDINATED WITH DESIRED GROWTH AND DEVELOPMENT PATTERNS AND PROVIDES FOR THE MOVEMENT OF PEOPLE AND GOODS.

Intent:

- To provide for safe and proper functioning of the street network with a coordinated hierarchy of arterial, collector and local roads.
- To ensure that new developments do not exceed the carrying capacity of streets.
- To ensure that internal and external circulation of all new development provides safe and efficient travel movement by all types of transportation.

H1. Planning

Goal H1

Integrate bicycle and pedestrian facility planning into regional and local transportation planning programs.

Objectives

- H1.1** Develop a method for the integration of the Bicycle and Pedestrian Circulation Plan with the Regional Mobility Plan.
- H1.2** Establish a permanent Regional Bicycle and Pedestrian Advisory Committee (RBPAC) and complete the development of a Regional Bicycle and Pedestrian Plan.
- H1.3** Establish a permanent Bicycle and Pedestrian Advisory Committee (BPAC) for Jefferson County.
- H1.4** Gain broad based political support for the bicycle and pedestrian network.
- H1.5** Establish standards for the development of bicycle and pedestrian facilities.

H2. Network

Goal H2

Develop a comprehensive, convenient and direct bicycle and pedestrian transportation network that serves the needs of Jefferson County.

Objectives

- H2.1** Establish a network of all major user groups to insure that their needs relating to a bicycle and pedestrian system are routinely considered.
- H2.2** Improve bicycle and pedestrian access to residential areas, educational facilities, employment centers, shopping centers, recreational areas, historic sites, and other destination points.
- H2.3** Coordinate with TARC to establish a "bikes on buses" demonstration route to assess the feasibility of providing racks on buses within TARC's system.
- H2.4** Implement strategies for the use of innovative locations such as easements, stream corridors and abandoned railroad rights-of-way for bicycle and pedestrian facilities.

H2.5 Ensure that planned bicycle and pedestrian routes are interconnected, direct and continuous.

H2.6 Include recommendations for bicycle and pedestrian improvements as part of any Cornerstone 2020 urban mobility and transportation plans.

D. Livability/Environment

Guideline 13. Landscape Character

Protect and enhance landscape character.

Intent: To protect and link urban woodland fragments in conjunction with greenways planning, promote tree canopy as a resource, enhance visual quality and buffer incompatible land uses

Policies

1. **Landscape Types and Plant Communities.** Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) within Jefferson County.
2. **Native Plant Species.** Encourage the planting of native plant species including those that provide habitat for a wide variety of wildlife.
3. **Corridors.** Encourage the natural process of landscape succession, through additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.
4. **Landscape Design Standards.** Ensure appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas.
5. **Tree Canopy.** Require tree preservation best management practices during land development and construction activities. Provide standards to ensure creation and/or preservation of tree canopy as a valuable community resource.
6. **Buffers for Incompatible Uses.** Provide standards for screening and buffering to mitigate adjacent incompatible uses.

Guideline 5. Natural Areas and Scenic and Historic Resources

PROTECT NATURAL AREAS, NATURAL FEATURES AND IMPORTANT SCENIC AND HISTORIC RESOURCES. LOCATE DEVELOPMENT, WHENEVER POSSIBLE, IN AREAS THAT DO NOT HAVE SEVERE ENVIRONMENTAL LIMITATIONS.

Intent: To guide future public and private economic development, investment, and preservation within areas identified as an important resource by the community.

Policies

1. **Natural Features.** Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and, minimizes property damage and environmental degradation resulting from disturbance of natural systems.
2. **Historic Resources.** Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, bulk, scale, architecture and placement when located within the impact area of such resources.
3. **Distinctive Cultural Features.** Encourage preservation and use of landscape and built features particular to distinctive areas.
4. **Preservation and Reuse of Historic Sites.** Encourage preservation and use or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by Jefferson County Historic Landmarks and Preservation Districts Commission or the Louisville Landmarks Commission or other national, state or local government historic preservation agencies.
5. **Special Districts.** Develop standards and regulations for Special Districts to preserve sites that have designated natural and historic features and resources that are important to the community and ensure that new land uses do not have a negative impact when located next to such areas. Special Districts should be designated for the Floyds Fork Corridor, the Jefferson Memorial Forest and the Ohio River Corridor and other areas of community-wide importance. Establish, through a public process, standards for development that are specific to each area. Encourage techniques such as clustering, buffers, building height limits and setback requirements to protect the special features and scenic character of these areas.
6. **Soils and Slopes.** Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.
7. **Archeological Sites.** Set local standards to ensure compliance with current State and federal statutes and regulations to protect against destruction of or encroachment upon significant archaeological sites.
8. **Ohio River Corridor.** Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the Goals and Objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.

**Appendix II Letters And Comments Regarding The
Recommendations**

(will be scanned for final report after rezoning)

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Appendix III: Lot Size Requirements and Setbacks

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Chapter 5 Part 2 Traditional Form Districts

Table 5.2.2
Dimensional Standards – Traditional Neighborhood

Density Category	Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Max. Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	30 ft	NA	15 ft	5 ft.	35 ft
	R-2	20,000 sf	75 ft	25 ft	NA	10 ft	5 ft.	35 ft
	R-3	12,000 sf	60 ft	15 ft	NA	6 ft	5 ft.	35 ft
	R-4	9000 sf	60 ft	15 ft	25 ft	5 ft.	5 ft.	35 ft
Med. Density /Intensity	R-5	6,000 sf	35 ft.	FY 15 ft. SSY 3 ft.	FY 25 ft.	3 ft	5 ft.	45 ft
	R5-A R5-B R-6	4,500 sf	35 ft	FY 15 ft SSY 3 ft	FY 25 ft	3 ft 0 ft if attached	5 ft	45 ft

LDC

Chapter 5 Part 3 Suburban Form Districts

Table 5.3.1 Dimensional Standards: Residential Development

Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
RR	5 Acres	150 ft	30 ft	15 ft	50 ft	35 ft
RE'	105,000 sf	150 ft	90 ft (front); 60 ft (street side)	20 ft minimum, 50 ft total	50 ft	35 ft
R-E, R-1	40,000 sf	150 ft	75 ft (front); 25 ft (street side)	15 ft minimum, 45 ft total	25 ft.	35 ft
R-2	20,000 sf	100 ft	30 ft	10 ft minimum, 30 ft total	25 ft.	35 ft
R-3	12,000 sf	75 ft	30 ft	7.5 ft minimum, 22.5 total	25 ft.	35 ft
R-4	9,000 sf	60 ft	30 ft	"	25 ft.	35 ft
R-5	6,000 sf	50 ft	25 ft	5 ft	25 ft.	35 ft
PRD	1500 sf	0 ft.	0 ft.	0 ft.	0 ft.	35 ft.
R-5A	6,000 sf	50 ft	20 ft	5 ft	25 ft.	35 ft
R-5B	6,000 sf	30 ft	20 ft	3 ft	25 ft.	35 ft
R-6, OR	6,000 sf	25 ft	15 ft	3 ft	25 ft.	35 ft

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Appendix VI: Resolution Requesting Rezoning

Resolution No. 97, Series 2005

A RESOLUTION REQUESTING THE METRO PLANNING COMMISSION TO STUDY A PROPOSAL FOR AN AREA WIDE RE-ZONING FROM R-5 RESIDENTIAL SINGLE FAMILY TO R-4 RESIDENTIAL SINGLE FAMILY IN THE KENWOOD HILL AREA, AND TO REPORT THE RESULTS OF THE STUDY TO THE METRO LOUISVILLE COUNCIL FOR ITS POSSIBLE ACTION ON A CHANGE IN ZONING RESPECTING THE DESCRIBED PROPERTIES (AS AMENDED).

SPONSORED BY: COUNCILMAN DAN JOHNSON

WHEREAS, the Louisville Metro Council finds that there is a predominant pattern of residential development in the Kenwood Hill area upon lots exceeding 9,000 square feet, but that the current zoning classification permits single-family residential development upon lots of 6,000 square feet; and

WHEREAS, a substantial number of residents of the Kenwood Hill area represented by the Kenwood Hill Neighborhood Association have requested that an area-wide re-zoning from R-5 Residential Single Family to R-4 Residential Single Family, be enacted in the Kenwood Hill area as more specifically described herein;

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

Section I: The Louisville Metro Council hereby requests that the Louisville-Jefferson County Metro Planning Commission study a proposal for an area wide re-zoning from R-5 Residential Single Family to R-4 Residential Single Family on the properties specifically highlighted and identified on the map attached hereto and incorporated herein by this reference, and report the results of the study regarding said proposal to the Louisville Metro Council.

Section II: This Resolution shall be effective upon its passage and approval.

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Appendix V: Petition distributed in the Neighborhood Concerning the Rezoning

Resolution Requesting the Metro Planning Commission to Consider An Area Wide Re-Zoning From R-5 Residential Single Family To R-4 Residential Single Family In The Kenwood Hill Area, To Conduct A Public Hearing On Said Area-Wide Re-Zoning And To Report Its Findings Thereon To The Metro Louisville Council For Its Possible Action On A Change In Zoning Respecting The Described Properties.

Address	Home Owners' Name (print)	Signature	I support downzoning	I do not support downzoning
200 West Kenwood Drive	BARBARA HOGGLAND	Barbara Hogglan	✓	
201 West Kenwood Drive	SEE supplemental sheet #3		✓	
206 West Kenwood Drive	JAMES L. HONES	James L. Hones	✓	
207 West Kenwood Drive				
208 West Kenwood Drive	EUGENE MALONE	EUGENE MALONE	✓	
209 West Kenwood Drive	Burton K. Whelan	Burton K. Whelan	X	
210 West Kenwood Drive	ALICE	ALICE	X	
211 West Kenwood Drive	JEFF PRYOR	Jeff Pryor	X	
213 West Kenwood Drive	MARY WERRIO	Mary A. Werrio	X	
215 West Kenwood Drive				
216 West Kenwood Drive	Jim Scamarella	Jim Scamarella	X	
217 West Kenwood Drive				
218 West Kenwood Drive	David M. Moore	Krystal K. Moore	X	
219 West Kenwood Drive	Mike & Erin Long		✓	
220 West Kenwood Drive	Kathleen S Bronner	Kathleen S Bronner	X	
418 West Kenwood Drive	Gail & Raymond McCordless	Gail & Raymond McCordless	X	
418 West Kenwood Drive	Gail & Raymond McCordless	Gail & Raymond McCordless	X	
6713 S. Third St. (East of Kenwood Dr.) Resubmittal March 2, 2023	Kaveri Myers	Kaveri Myers	X	

Appendix VI: Top House Engineering Report



GEM Engineering, Inc.
2219 Plantside Drive
Louisville, Kentucky 40299
home (502) 493-7100
fax (502) 493-4190
email: mail@gemeng.com

May 10, 2001

Ms. Kathleen O'Neil
Lou Tate Foundation
1802 Eastern Parkway
Louisville, Kentucky 40204

Subject: Geotechnical Evaluation
Little Loomhouse: Tophouse
328 Kenwood Hill Road
Louisville, Kentucky 40209
GEM Project Number G-1 102

Dear Ms. O'Neil:

We have completed the Tophouse site evaluation, crack gauge installation, and crack gauge readings in, general accordance with our November 6, 2000 proposal No. GP-297. Our site evaluation was conducted on January 16, 2001. Also present at that time was Mr. Dan Farmer of Slesser Engineering, Inc. who conducted a structural existing conditions survey. The purpose of this letter is to present our findings, observations and recommendations.

Site Description

Little Loomhouse consisted of 3 historic cabins located on an approximately 0.6 acre lot on the northeast side of Kenwood Hill between Kenwood Hill Road and Possum Path in southwestern Jefferson County, Kentucky (see Site Location Plan). Tophouse was situated along the rear (west) end of the lot. The site sloped up to the west from Kenwood Hill Road. Total relief was estimated to be on the order of 50 feet from one end of the lot to the other. Typical hillside slopes were estimated to be on the order of 4:1 (horizontal:vertical). Steeper slopes near Tophouse were observed to the west along the shoulder of Possum Path and to the east and south along hillside drainage swales. A gravel driveway ran along the north side of the property. The remaining ground surface primarily was grass covered with several medium to large trees. The slope of the ground surface was very uniform along the east and south sides of Tophouse, indicating that fill may have been placed to form an embankment along the downhill side of the building. It appeared that the eastern (downhill) side of the building was bearing in embankment fill.

Tophouse was a wood frame cabin with a partial crawl space and walk out lower floor. Approximate plan dimensions were on the order of 30 feet by 30 feet plus an approximately 7 feet by 10 feet bathroom addition at the southwest corner. Tophouse was originally constructed in the late 1800's but was renovated and repaired several times since then. The most recent work to the structure was in 1982 when an extensive renovation was undertaken including replacement of cracked foundations. Also, we understand that significant drainage work was carried out to collect surface water and divert it away from Tophouse.

Footnotes

¹ Traditional Neighborhood

D. Alternative Housing Styles

Alternative housing styles, including zero lot line, duplexes, and townhouses, are encouraged in the Cornerstone 2020 Plan to provide housing choices for people of varying ages and incomes. Where permitted by the Planned Residential Development District (Section 2.7.3) or the Alternative Development Incentives regulation (Chapter 4 Part 5), the alternative housing styles shall meet the requirements set forth in Table 5.2.2, unless otherwise specified below. Standards apply to both ADI and PRD developments, unless otherwise indicated. Detached, semi-detached and townhouse units (including zero lot line)

1. Minimum Lot Area

a. Detached (ADI) - 4500sq. ft. in R-4 District; 3000 sq. ft. in R-5 District, subject to the following conditions:
i. No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

ii. At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

b. Detached (PRD) - 2500 sq. ft.

c. Semi-detached and townhouse - 1500 sq. ft., subject to the following conditions in ADI developments only:

i. No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

ii. At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

2. Minimum Lot Width

a. Detached (PRD) - 25 feet

b. Detached (ADI) - 40 feet in R-4 District; 25 feet in R-5 District -Semi-detached and townhouse - 18 feet

c. Minimum Front Yard and Street Side Yard Setback - 15 feet

d. Maximum Front Yard and Street Side Yard Setback - 25 feet

e. Maximum Front and Street Side Yard Setback on corner lots - 0 feet

f. Minimum Side Yard - 3 feet

g. Minimum Rear Yard setback - 5 feet

h. Maximum contiguous units

i. Semi-detached - 2

j. Townhouse - 10

Neighborhood

Alternative Housing Styles

Alternative housing styles, including zero lot line, duplexes, and townhouses are encouraged in the Cornerstone 2020 Plan to provide housing choices for people of varying ages and incomes. Where permitted by the Planned Residential Development District (Section 2.7.3), the alternative housing styles shall meet the requirements set forth in Table 5.3.1, unless otherwise specified below:

Detached and semi-detached units (including Zero Lot Line):

Minimum Lot Area - 3000 sq ft

Minimum Lot Width - 30 ft

Minimum Front Yard Setback - 15 ft.

Minimum Side Yard Setback - 0 ft. between the unit and the property line; 6 feet between adjacent units on separate lots.

Minimum Rear Yard Setback - 25 ft; if alley: 5 ft.

Maximum contiguous units - 2.

Attached Units-Townhouse (single family units with common side walls)

Minimum Lot Area: - end units: 3,000 sq ft; interior units: 2,000sq. ft.

Minimum Front Yard Setback - 15 ft.

Minimum Lot Width - 18 ft.

Minimum Side Yard Setback - 0 ft. between attached units.

Between end units, the requirements in Table 4.1 shall apply.

Minimum Rear Yard Setback - 25 ft; if alley: 5 ft.

Maximum contiguous units in single family zoning districts - 4

Attached Unit -Patio Home (single family units with common side and rear walls)

Minimum Lot Area - 3000 sq ft

Minimum Lot Width -35 ft.

- iii. Minimum Front Yard Setback – 15 ft.
iv. Minimum Side and Rear Setback – 0 ft. between attached units; minimum distance between adjacent structures, 10 ft.
v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.
vi. Maximum Contiguous Units – 4.
2. Where permitted by the Alternative Development Incentives regulation (Chapter 4 Part 5), the alternative housing styles shall meet the requirements set forth in Table 5.3.1, unless otherwise specified below:
- a. Detached units (including Zero Lot Line):
- i. Minimum Lot Area – 4500 sq. ft. in R-4 District; 3000 sq. ft. in R-5 District, subject to the following conditions:
(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4, or less than 4000 sq. ft. in R-5; and
(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.
- ii. Minimum Lot Width – 40 ft. in R-4 District; 35 feet in R-5 District
iii. Minimum Front Yard and Street Side Yard Setback – 20 ft., 15 ft. if adjacent to alley
iii. Minimum Side Yard Setback – 0 ft. between the unit and the property line; 6 feet between adjacent units on separate lots.
iv. Minimum Rear Yard Setback – 25 ft., 5 ft. if adjacent to alley
- b. Semi-detached units (single family units with one common wall)
- i. Minimum Lot Area – 3000 sq. ft., subject to the following conditions:
(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and
(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.
- ii. Minimum Lot Width – 30 ft.
iii. Minimum Front Yard and Street Side Yard Setback – 20 ft. 15 ft. if adjacent to alley
iv. Minimum Side Yard Setback – 0 ft. on common wall side; 6 ft. on other side
v. Minimum Rear Yard Setback – 25 ft.
15 ft. if adjacent to alley
vi. Maximum contiguous units - 2
- c. Attached Units-Townhouse (single family units with common side walls)
- i. Minimum Lot Area: - end units: 3,000 sq ft; interior units: 2,000sq. ft., subject to the following conditions:
(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and
(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.
- ii. Minimum Front Yard and Street Side Yard Setback – 20 ft. 15 ft. if adjacent to alley
iii. Minimum Lot Width – 18 ft.
iv. Minimum Side Yard Setback – 0 ft. between attached units. Between end units, the requirements in Table 5.3.1 shall apply.
v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.
vi. Maximum contiguous units in single family zoning districts – 4
- d. Attached Unit -Patio Home (single family units with common side and rear walls)
- i. Minimum Lot Area – 3000 sq. ft., subject to the following conditions:
(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and
(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.
- ii. Minimum Lot Width – 35 ft.
iii. Minimum Front Yard and Street Side Yard Setback – 20 ft. 15 ft. if adjacent to alley
iv. Minimum Side and Rear Setback – 0 ft. between attached units; minimum distance between adjacent structures, 10 ft.
v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.
vi. Maximum Contiguous Units – 4.



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PLANNING &
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ouisville Metro – PDS – Rezoning Case files

Case#_Document Type



9 1 3 0 6 % O C I T I Z E N L E T T E R S

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59290

Case#

91306

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14-03-20-22

LOUISVILLE METRO PLANNING COMMISSION

SPEAKERS RECORD

PLEASE FILL OUT THIS FORM

IF YOU INTEND TO SPEAK

AT TODAY'S PUBLIC HEARING ON ZONING CASE

9-13-06 KENWOOD HILL AREAWIDE REZONING.

PLEASE PRINT

NAME: GARRY M^C CANDLESS

ADDRESS: 418 W. KENWOOD DR.

TODAY'S DATE: AUGUST 31, 2006

DOCKET NUMBER: 9-13-06 KENWOOD HILL AREAWIDE REZONING.

SUPPORT ☒ OPPOSED ☐ OTHER ☐

LOUISVILLE METRO PLANNING COMMISSION

SPEAKERS RECORD

PLEASE FILL OUT THIS FORM

IF YOU INTEND TO SPEAK

AT TODAY'S PUBLIC HEARING ON ZONING CASE

9-13-06 KENWOOD HILL AREAWIDE REZONING.

PLEASE PRINT

NAME:

Tony Buzen

ADDRESS:

230 Kenwood

TODAY'S DATE:

AUGUST 31, 2006

DOCKET NUMBER: 9-13-06 KENWOOD HILL AREAWIDE REZONING.

SUPPORT

☒

OPPOSED

☐

OTHER

☐

23-2006-0011

LOUISVILLE METRO PLANNING COMMISSION

SPEAKERS RECORD

PLEASE FILL OUT THIS FORM

IF YOU INTEND TO SPEAK

AT TODAY'S PUBLIC HEARING ON ZONING CASE

9-13-06 KENWOOD HILL AREAWIDE REZONING.

PLEASE PRINT

NAME: Rosemary McCandless

ADDRESS: 418 W. Kenwood Dr.

TODAY'S DATE: AUGUST 31, 2006

DOCKET NUMBER: 9-13-06 KENWOOD HILL AREAWIDE REZONING.

SUPPORT ☒ OPPOSED ☐ OTHER ☐

✓
LOUISVILLE METRO PLANNING COMMISSION

SPEAKERS RECORD

PLEASE FILL OUT THIS FORM

IF YOU INTEND TO SPEAK

AT TODAY'S PUBLIC HEARING ON ZONING CASE

9-13-06 KENWOOD HILL AREAWIDE REZONING.

PLEASE PRINT

NAME:

Stefanie Buzan

ADDRESS:

230 Kenwood Hill Rd.

TODAY'S DATE:

AUGUST 31, 2006

DOCKET NUMBER:

9-13-06 KENWOOD HILL AREAWIDE REZONING.

SUPPORT



OPPOSED

OTHER

23-ZONE-0041

Jeremy Pearman
4115 Taylorsville Rd.
Louisville, KY 40220
(502) 500-0091

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MAY 30 2006

PLANNING & DESIGN SERVICES May 25, 2006

Louisville Metro Planning and Design Services
ATTN: Mr. Ed Mellett
444 South 5th St., Suite 300
Louisville, KY 40202-4313

Dear Mr. Mellett:

My brother, Justin Pearman, and I spoke with you at the Informational Hearing for the 9-013-06 Area Wide Re-zoning Proposal last week at Iroquois High School. We are the current owners of two properties on Kenwood Hill, located at 5205 and 5205-1/2 Rollingwood Trail, or Lots 1 and 2 of the Minor Plat recorded in Deed Book 8346, Page 531.

During our discussion, we indicated to you that we thought the proposed zoning re-classification of our lots from R-5 to R-2 was too stringent, especially given the fact that both of our lots qualify as R-4 lots in a Neighborhood Form District, in terms of dimension size. Lot 1 has 67 feet of street frontage, and a total square footage of 21,139. Lot 2 also has 67 feet of street frontage, and a total square footage of 17,471. The minimum R-4 requirements in a Neighborhood Form District are 60 feet of street frontage, and a total square footage of 9,000.

Per the proposed Re-zoning Maps at the meeting, most of the other lots on Rollingwood Trail will change to R-4 status from R-5. The proposed R-2 line is right at the edge of our lots. We feel that this change is way too restrictive for future development of our lots, given the harsh side yard setback requirements of R-2. Instead of the more lax side yard requirements of R-4, which I believe are 10 total feet for lots created after August 22, 2000, R-2 imposes side yard setbacks of 30 total feet. Since our lots are 67 feet in width, side yard setbacks of 30 total feet would ensure that we would need a variance to get approval for development. This probably would not be necessary under R-4 zoning.

From the meeting, we learned that the primary reason for the proposed re-zoning was to ensure that new development on Kenwood Hill would be limited to one structure per lot. It was never our intention to put anything but one structure on each of our lots. In fact, when we applied for the Minor Plat back in 2003, we had the option of creating 4 smaller lots, as we could have done given the current R-5 classification of the land. Instead, we chose to create 3 lots out of the original 2 lots (we have since sold 1 of the 3 lots created). We felt that smaller lots would not conform to the rest of the neighborhood. We also never planned on cutting down numerous trees on our lots, only those necessary to ensure development.

23-ZONE-0041

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DEPT. OF PLANNING
23-201E-0041

We currently have Contracts to sell both of our remaining lots with Mr. Barry Thomas, who also purchased Lot 3 of the Minor Plat, or 5207 Rollingwood Trail. He is scheduled to close on the remaining lots in November, 2006, and in May, 2007. In order to protect our interests, we feel that is important that the lots at least retain R-4 zoning, in case Mr. Thomas backs out of the Contracts. Of course, we would rather the lots retain R-5 zoning.

I hope you understand our position, and will consider our request to re-classify our lots as R-4 lots in the Re-zoning Proposal. If you have any questions, feel free to contact me at (502) 500-0091. I have also sent a copy of this letter via e-mail, which you should have already received.

Sincerely,



Jeremy B. Pearman

23-201E-0041

Mellett, Ed

From: JBPearman@aol.com
Sent: Friday, May 26, 2006 12:13 AM
To: Mellett, Ed
Subject: Letter Regarding 5205 Rollingwood Trail (Kenwood Hill)

Jeremy Pearman
4115 Taylorsville Rd.
Louisville, KY 40220
(502) 500-0091

May 25, 2006

Louisville Metro Planning and Design Services
ATTN: Mr. Ed Mellett
444 South 5th St., Suite 300
Louisville, KY 40202-4313

Dear Mr. Mellett:

My brother, Justin Pearman, and I spoke with you at the Informational Hearing for the 9-013-06 Area Wide Re-zoning Proposal last week at Iroquois High School. We are the current owners of two properties on Kenwood Hill, located at 5205 and 5205-1/2 Rollingwood Trail, or Lots 1 and 2 of the Minor Plat recorded in Deed Book 8346, Page 531.

During our discussion, we indicated to you that we thought the proposed zoning re-classification of our lots from R-5 to R-2 was too stringent, especially given the fact that both of our lots qualify as R-4 lots in a Neighborhood Form District, in terms of dimension size. Lot 1 has 67 feet of street frontage, and a total square footage of 21,139. Lot 2 also has 67 feet of street frontage, and a total square footage of 17,471. The minimum R-4 requirements in a Neighborhood Form District are 60 feet of street frontage, and a total square footage of 9,000.

Per the proposed Re-zoning Maps at the meeting, most of the other lots on Rollingwood Trail will change to R-4 status from R-5. The proposed R-2 line is right at the edge of our lots. We feel that this change is way too restrictive for future development of our lots, given the harsh side yard setback requirements of R-2. Instead of the more lax side yard requirements of R-4, which I believe are 10 total feet for lots created after August 22, 2000, R-2 imposes side yard setbacks of 30 total feet. Since our lots are 67 feet in width, side yard setbacks of 30 total feet would ensure that we would need a variance to get approval for development. This probably would not be necessary under R-4 zoning.

From the meeting, we learned that the primary reason for the proposed re-zoning was to ensure that new development on Kenwood Hill would be limited to one structure per lot. It was never our intention to put anything but one structure on each of our lots. In fact, when we applied for the Minor Plat back in 2003, we had the option of creating 4 smaller lots, as we could have done given the current R-5 classification of the land. Instead, we chose to create 3 lots out of the original 2 lots (we have since sold 1 of the 3 lots created). We felt that smaller lots would not conform to the rest of the neighborhood. We also never planned on cutting down numerous trees on our lots, only those necessary to ensure development. We currently have Contracts to sell both of our remaining lots with Mr. Barry Thomas, who also purchased Lot 3 of the Minor Plat, or 5207 Rollingwood Trail. He is scheduled to close on the remaining lots in November, 2006, and in May, 2007. In order to protect our interests, we feel that is important that the lots at

8/28/2006

23-20NE-001

least retain R-4 zoning, in case Mr. Thomas backs out of the Contracts. Of course, we would rather the lots retain R-5 zoning.

I hope you understand our position, and will consider our request to re-classify our lots as R-4 lots in the Re-zoning Proposal. If you have any questions, feel free to contact me at (502) 500-0091. I have also sent a hard copy of this e-mail, which you should receive in the mail soon.

Sincerely,
Jeremy B. Pearman

8/28/2006

23 ZONE-001

Mellett, Ed

From: Bob & Nancy Bruce [rjbruce@insightbb.com]
Sent: Tuesday, May 09, 2006 7:35 PM
To: Mellett, Ed
Cc: Johnson, Dan D.; Mayor; Beyerle, Mary Rose
Subject: RE: Kenwood Hill Rezoning

May 4, 2006
Mr Edward Mellett
Ed.mellett@louisvilleky.gov

Dear Mr. Mellett,

Thank you for your prompt and concise response to my questions. I appreciate your effort in providing the information I requested.

The information regarding sale of the property is an issue. The responsibility of the seller to disclose that the property is not in compliance in accordance with the land development code would place unnecessary doubt in the mind of the buyer. This would devalue the property when compared to a property that did not have this impediment.

I am acting on behalf of my mother who resides on Kenwood Hill. I am a resident of the 9th district. I urge Dan Johnson and my council member Tina Ward-Pugh to oppose this rezoning on behalf of the residents who will be unfairly and unnecessarily penalized by this zoning change.

Thank you again for your time and attention.

Robert Bruce

-----Original Message-----

From: Mellett, Ed [mailto:Ed.Mellett@louisvilleky.gov]
Sent: Monday, May 08, 2006 7:26 AM
To: Bob & Nancy Bruce
Cc: Johnson, Dan D.; Mayor
Subject: RE: Kenwood Hill Rezoning

Dear Mr. and Mrs. Bruce

A nonconforming lot is a lot that was lawfully created prior to the adoption of the zoning regulations and being of a smaller minimum lot area or width than required by the regulations for the district in which the lot is located. A nonconforming lot may be used in accordance with the other applicable restrictions of this Land Development Code, but changes to the lot that create greater nonconformity with the minimum lot area are permissible only in accordance with the provisions of Chapter 1 Part 3. (see attached section of the Land Development Code)

Basically what this means is that an existing use that is on a lot which has become non-conforming through a subsequent rezoning may continue in use unaffected by the change and that in the event that an expansion of such use is undertaken, must seek a variance from the Board of Zoning Adjustment.
This will involve neighbor notification and a public hearing.

I will forward your question concerning seller notification in the event of property sale to our attorney for an opinion but would assume that disclosure would be required just as any physical fault may be required to be disclosed upon sale.

Although it is not necessary to "bring the property into compliance" three options exist removing the property from the area considered for rezoning, allowing rezoning and adding area to the lot (at 8391 square feet approximately this lot would require the addition of 609 square feet based on the PVA lot mapping in the LOJIC system - - not a survey) or

allowing the rezoning and then seeking a rezoning on the lot to a zone which requires smaller area as the R-5 currently does.

I had not considered this area in the rezoning recommendation initially because of the cluster of nonconforming lots but had been encouraged to add it by the neighborhood representatives due to slope concerns. We will balance your concerns in the review of this property for a final recommendation.

Ed Mellett

Edwin W. Mellett Planner II
ed.mellett@louisvilleky.gov
Louisville Metro Planning and Design Services
444 South 5th Street, Suite 300
Louisville, Kentucky 40202-4313
502-574-5177
Fax 502-574-8129
Visit our Web Site at:
[HTTP://WWW.LOUISVILLEKY.GOV/DEPARTMENT/PLANDESIGN/](http://WWW.LOUISVILLEKY.GOV/DEPARTMENT/PLANDESIGN/)

-----Original Message-----

From: Bob & Nancy Bruce [mailto:rjbruce@insightbb.com]
Sent: Thursday, May 04, 2006 8:29 PM
To: Mellett, Ed
Cc: Johnson, Dan D.; Mayor
Subject: Kenwood Hill Rezoning

May 4, 2006
Mr Edward Mellett
Ed.mellett@louisvilleky.gov

Dear Mr. Mellett,

I require some information regarding the proposed rezoning on Kenwood Hill. My mother has lived at 5314 Lost Trail for thirty seven years. That address has been identified as a "nonconforming lot". I have reviewed the pamphlet mailed to her, the web site at louisvilleky and the Courier-Journal article published March 1, 2006. The resolution status for a "nonconforming" lot is undefined. Therefore, I pose to you these questions:

1. If the rezoning is passed as it is written, what is the responsibility of the owner for the nonconforming lot.
2. In the event of a transfer, what is the responsibility of the buyer and seller concerning the nonconforming status of the property.
3. What are the options for the owner to bring the property into compliance.

You may respond to this email or you may reach me at the number listed below. We are very anxious about this news. Please do not fail to respond promptly.

Robert Bruce
502-897-0416

RONALD L. COOK
ATTORNEY AT LAW

600 WEST MAIN STREET, SUITE 100
CORNER OF 6TH & MAIN
LOUISVILLE, KY 40202

(502) 585-9685
(502) 540-5700

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FAX

(502) 568-3600

MAY 02 2006

PLANNING & DESIGN SERVICES

April 28, 2006

Mr. Ed Mellett
Metro Development Center
444 South 5th Street, Suite 300
Louisville, KY 40202

Dear Mr. Mellett:

I am writing this letter in response to our conversation on the telephone yesterday concerning the proposed area wide rezoning for the area in which I live. As I expressed to you, I am very concerned that the rezoning would take my property from the least restrictive zone to one that is much more restrictive. That being from an R-5 to an R-1.

As I explained to you, my wife and I have no intentions of actually building on the two plus acres that we have which adjoins our property. However, I would not want that area to be zoned R-1, as it is the most restrictive. I understand that there is a remedy for that should we or anyone who buys the property from us decide to build additional dwellings on that property. However, I simply believe it is unfair to take our property to R-1, while many of the other properties in that area are far less restricted, including some of those which have lots that are as big or bigger than ours.

You indicated that you had walked many of those areas, but I do not believe that you have been on the property that I own. If you had, you would realize that the property is not nearly as severely sloped as some of the other property on Kenwood Hill. Obviously, to build would take some kind of excavation, but it wouldn't be extensive and it certainly would not be as extensive as the excavation for lots which are located on the very top of Kenwood Hill.

I would appreciate if you would take a new look at your proposal and consider a change on our property to put us in no less

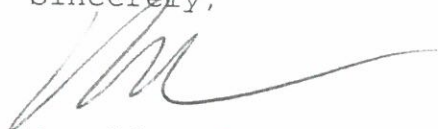
23-2006-0011

Mr. Ed Mellett
May 1, 2006
Page 2

than an R-2 zone. I believe that R-2 zone would be much more appropriate for the property which we own and would certainly make us feel better about these changes.

I would appreciate if you would get back with me and let me know something about this. If you decide to change the property on which we live to an R-2, then I would not feel compelled to attend the meetings or to make any attempt to keep this change from happening. I look forward to hearing back from you.

Sincerely,



Ronald L. Cook

RLC/hjk

23-2006-0041