

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 23DDP0034 FOR THE PROPERTY LOCATED AT 4516 CANE RUN ROAD. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER TAMMY HAWKINS

WHEREAS, the Development Review Committee (“DRC”) of the Louisville Metro Planning Commission (the “Planning Commission”) held a public hearing on August 16, 2023 on a proposal to revise the Detailed District Development Plan and binding elements for the property at 4516 Cane Run Road (the “Property”) in Louisville Metro (23-DDP-0034), and DRC voted 2 for and 2 against, resulting in the proposal being forwarded to the Planning Commission; and

WHEREAS, the Planning Commission reviewed the proposal on August 17, 2023, and approved the proposal by a vote of 4 to 3; and

WHEREAS, the Council undertook review of the project which culminated in the passage of Ordinance No. 146, Series 2023 which sent the case back down for a neighborhood meeting to be reviewed by the Planning Commission; and

WHEREAS, the applicant held a neighborhood meeting after which the Planning Commission reviewed the case on November 16, 2023; and

WHEREAS, the Planning Commission again voted to approve the plan, this time by a vote of 5 to 4; and

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) initiated a second review of the proposal under Section 11.7.5 of the Land Development Code; and

WHEREAS, the Council has reviewed the evidence presented at the public hearings held by the Planning Commission and the findings and decision of the Planning Commission as set out in the minutes and records of the Planning Commission in Case No. 23DDP0034; and

WHEREAS, the Council rejects the findings of the Planning Commission for the proposal in Case No. 23DDP0034 and has made the following alternative findings of fact based on the Planning Commission's total record and Council's review of that record at the December 5, 2023 meeting of the Planning and Zoning Committee that support maintaining the existing development plan on the property located at 4516 Cane Run Road and being in Louisville Metro; and

WHEREAS, the Property was rezoned in April of 2022 to the R-5A zoning designation with an associated plan for 19 townhome-style buildings totaling 106 units (the "Current Plan"); and

WHEREAS, the diversity of housing type in an area that has a large amount of traditional single-family housing and apartment-style multi-family housing was a significant factor in both that rezoning decision as well as the approval of the Current Plan; and

WHEREAS, Council is concerned by this significant change in the style of housing, especially considering it has been proposed less than two years after the Current Plan was approved; and

WHEREAS, Section 11.4.7.F.2 of the Land Development Code for Louisville Metro (the "LDC"), which deals with the Scope of Planning Commission Review for Detailed District Development Plans, states that "The Planning Commission shall consider, but not

be limited to, the following factors in review of a detailed district development plan... f. Conformance of the development plan with the Comprehensive Plan and Land Development Code”; and

WHEREAS, the fifth Principle of the C.H.A.S.E. Principles of Plan 2040, Equity, states that “Louisville Metro is a community that values diversity and recognizes that resources, opportunities, and outcomes must be shared by all. Louisville Metro seeks to engage all citizens in the decision-making process and address the history of inequities and their ongoing impacts, particularly among communities of color. Louisville Metro’s built environment supports the creation of safe neighborhoods while providing equitable access to quality education, employment and affordable housing of choice for all citizens. The community enjoys the benefits of economic growth and improvements to the built and natural environment in and across neighborhoods”; and

WHEREAS, Plan 2040 Housing Goal 1, subsection 1 calls for “a variety of housing types...”; and

WHEREAS, Plan 2040 Housing Goal 1, subsection 2 calls for “housing options and environments that support aging in place...”; and

WHEREAS, Plan 2040 Housing Goal 1, subsection 3 calls for “a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing”; and

WHEREAS, Plan 2040 Housing Goal 1, subsection 7 calls for enhancing “housing choice for all residents throughout Louisville Metro by coordinating plans and investments to affirmatively further fair and affordable housing”; and

WHEREAS, Plan 2040 Housing Goal 3, subsection 1 calls for the “provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro”; and

WHEREAS, a change from townhomes to apartments would lessen or eliminate the extent to which the proposed plan complies with the above listed elements of Plan 2040 as simply adding additional apartments to an area which already has many such units constructed and approved does not contribute to housing diversity and choice in the neighborhood, while townhomes are a housing style that would substantially increase such diversity and choice; and

WHEREAS, there were no significant changes or compromises made as a result of the Council-required neighborhood meeting and second Planning Commission hearing; and

WHEREAS, in light of both the Equity C.H.A.S.E. Principle as well as the significant emphasis on housing diversity and choice in Plan 2040, the Council believes the Current Plan should remain in place.

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

SECTION I: That the revised district development plan for the property located at 4516 Cane Run Road and being in Louisville Metro, as proposed and more particularly described in the minutes and records of the Planning Commission in Case No. 23DDP00354, shall be denied, and that the decision of the Planning Commission in that case is overridden.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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