

ORDINANCE NO. _____, SERIES 2023

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES
LOCATED AT 5127 TERRY ROAD CONTAINING APPROXIMATELY
13.08 ACRES AND BEING IN LOUISVILLE METRO (CASE NO.
22ZONE0050). (AMENDMENT BY SUBSTITUTION)**

SPONSORED BY: COUNCIL MEMBER TAMMY HAWKINS

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22ZONE0050; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 22ZONE0050 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing R-4 Single Family Residential zoning designation; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 22ZONE0050 to reject the recommendation of the Planning Commission and maintain the existing R-4 Single Family Residential zoning designation on the property located at 5127 Terry Road and being in Louisville Metro; and

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

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 9 because the property is surrounded by a mix of R-1 and R-4 residential

property, with an undeveloped R-5A portion and a small OR-1 lot across Terry Road. With primarily lower intensity residential on all sides, the proposal would not serve as an appropriate transition from higher to lower intensity but rather a tall (including a height variance of 4'), dense intrusion at an inappropriate location; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 11 because the building height, including a height variance of 4', is significantly and incompatibly larger than that of surrounding properties and structures; and

WHEREAS, the proposal does not comply with Community Form Goal 1, subsection 20 because the visual intrusion of the proposed building is not and likely cannot be mitigated at its proposed height (including a height variance of 4'), size, and footprint; and

WHEREAS, the proposal does not comply with Mobility Goal 2, subsection 4 because the surrounding residentially zoned properties are less dense, extremely so in the case of the R-1 lots, and at the intersection of Terry Road and Murray Lane, making it likely to cause nuisances, as evidenced by the applicant's own Traffic Study which demonstrated a "slight impact" necessitating the installation of a left turn lane; and

WHEREAS, the proposal does not comply with Mobility Goal 3, subsection 2 because the lack of sidewalks and existence of multiple curves on Terry Road render it largely unsafe for pedestrian travel; and

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

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

SECTION I: That the zoning of the property located at 5127 Terry Road containing approximately 13.08 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0050, shall remain R-4 Single Family Residential and that the recommendation of the Planning Commission in that case is rejected.

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

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____