



Louisville Metro Government

Meeting Agenda – Final

Planning and Zoning Committee

Chair Madonna Flood (D-24)
Vice Chair Scott Reed (R-16)
Committee Member Phillip T. Baker (D-6)
Committee Member Ben Reno-Weber (D-8)
Committee Member Jennifer Chappell (D-15)
Committee Member Betsy Ruhe (D-21)
Committee Member Robin Engel (R-22)
Committee Member Khalil Batshon (R-25)

May 02, 2023

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

1. **O-056-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149).

Enactment #: Ordinance No. 051, Series 2023

Sponsors:

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

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. 22ZONE0149; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0149 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

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 properties located at 9220 and 9224 Cedar Creek Road containing approximately 12.35 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0149, is hereby changed from R-4 Single Family Residential to R-5 Single Family Residential; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0149-, with the following additional binding element:

18. Any increase in density on the property, any changes in use on the property which directly or indirectly require a public

hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

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: _____

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

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. 22ZONE0149; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0149 and approves and accepts the recommendation 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 zoning of the properties located at 9220 and 9224 Cedar Creek Road containing approximately 12.35 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0149, is hereby changed from R-4 Single Family Residential to R-5 Single Family Residential; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0149.

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: _____

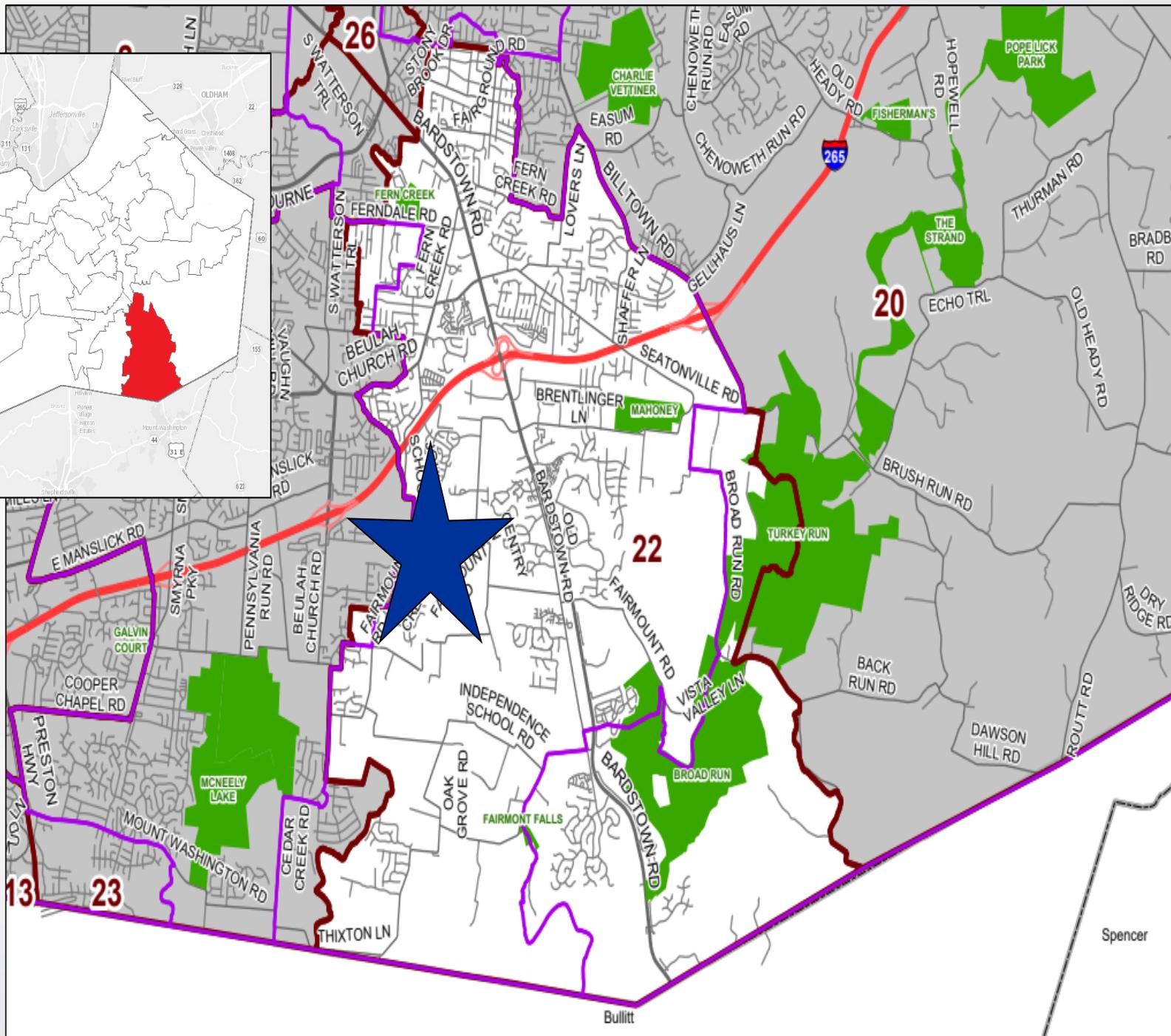
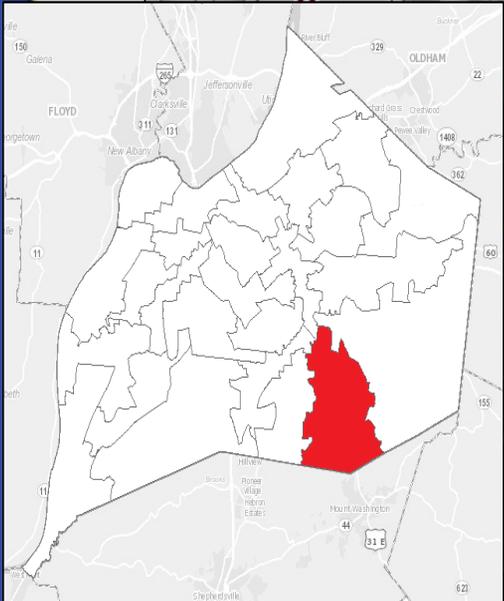
O-056-23– Zoning at 9220 & 9224 Cedar Creek Road (lf)

22-ZONE-0149

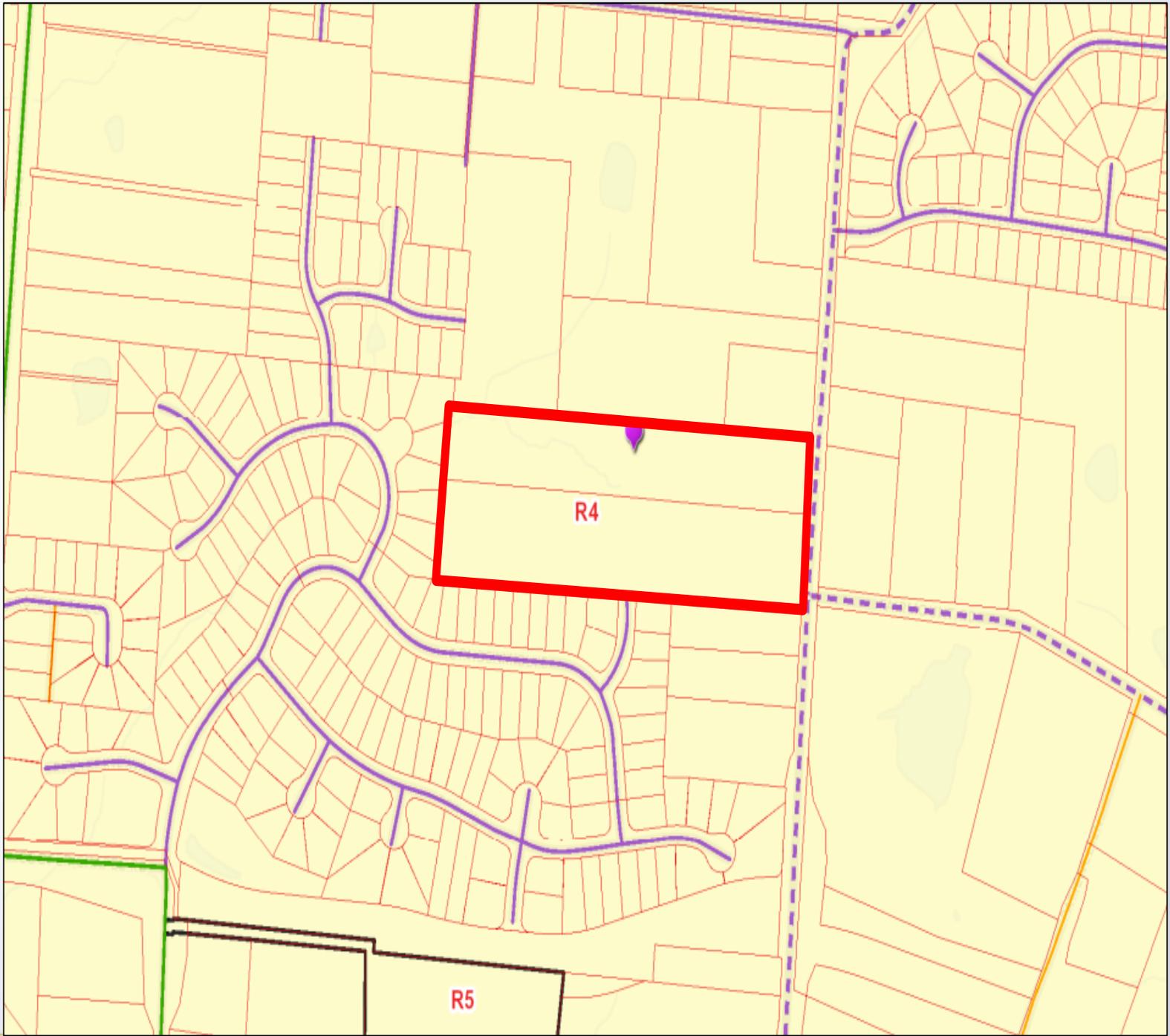
PULTE CEDAR CREEK ROAD SUB



Planning & Zoning Committee
April 18, 2023







Existing: R-4/N
Proposed: R-5/N

Requests

- **Change in Zoning** from R-4 Single Family Residential to R-5 Single Family Residential
- **Waiver** from 7.3.30.E to permit rear yards to overlap drainage easements by more than 15% (22-WAIVER-0223)
- **Major Preliminary Subdivision** (22-MSUB-0012)
- **Detailed District Development Plan with Binding Elements**

Case Summary

- Currently developed with single-family residence - not to be preserved
- Proposed 44-lot single-family subdivision

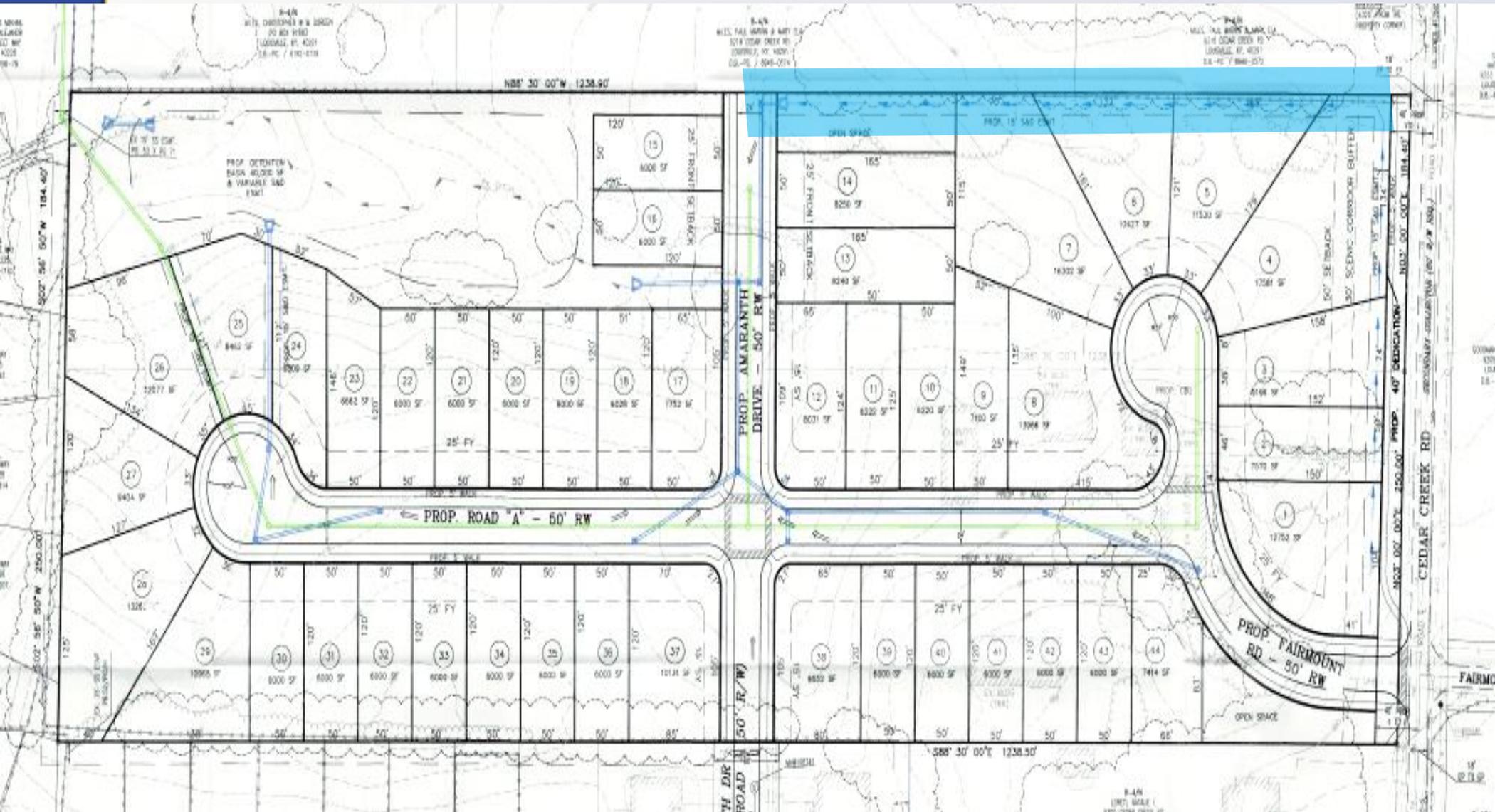
Neighborhood/Small Area Plan

- Fern Creek Small Area Plan - Quadrant 3 (Southwestern Quadrant)
- Within the Preservation Strategy Area where rural, agricultural character should be preserved

Applicant's Development Plan



Waiver



Site Photos-Subject Property



Site Photos-Subject Property



Louisville METRO
Terminus of Amaranth Drive

Public Meetings

- Neighborhood Meeting on 10/4/2022
- LD&T meeting on 1/26/2023
- Planning Commission public hearing on 3/2/2023
 - One person spoke in opposition.
 - Motion to approve the change in zoning from R-4 to R-5 passed by a vote of 7-0-1.

PLANNING COMMISSION
March 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0149

Request: Change in Zoning from R-4 to R-5, with Associated Major Preliminary Subdivision, Detailed District Development Plan with Binding Elements, and Waiver
Project Name: Pulte Cedar Creek Road Subdivision
Location: 9220 & 9224 Cedar Creek Road
Owner: Wendell E. Thommasson Revocable Living Trust
Applicant: Pulte Group
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel, 23 - Jeff Hudson
Case Manager: **Dante St. Germain, AICP, Planner II**

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:44:20 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

02:50:00 In response to a question from Commissioner Mims, Ms. St. Germain said there is R-5 property in this area (to the south.)

02:50:27 In response to a question from Commissioner Clare, Ms. St. Germain said the applicant has not agreed to a privacy fence, and there is no requirement in the Land Development Code for R-5 (versus R-4) to have a fence between.

The following spoke in support of the request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway
2nd Floor, Louisville, KY 40223

Derek Triplett, Land Design & Development, 503 Washburn Avenue Suite 101,
Louisville, KY 40222

PLANNING COMMISSION
March 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0149

Dennis Thomasson, 301 Deacon Trace, Taylorsville, KY 40021

Dan Hempel, Pulte Group, 10350 Ormsby Place Suite 103, Louisville, KY 40223

Summary of testimony of those in support:

02:50:55 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:01:12 Derek Triplett, an applicant's representative, presented details about the site plan, particularly regarding the drainage (see recording for detailed presentation.)

03:03:44 Mr. Talbott resumed and concluded his presentation.

03:05:11 Dennis Thomasson, representing the beneficiary of the Wendell A. Thomasson Trust, said he was available to answer any questions.

03:06:03 In response to questions from Commissioner Sistrunk, Mr. Talbott said that this development will be under a homeowner's association and that street trees will be provided by the developer. Dan Hempel, an applicant's representative, said that the landscape package includes some plantings and the street tree. The street tree is not "deed restricted" (not required to remain.) Mr. Talbott said that the trees in front of people's yards are not included in the 40% tree canopy calculation.

03:08:40 In response to questions from Commissioner Mims, Mr. Talbott said there is a 30-foot buffer with trees on it, for the houses that back up to Cedar Creek Road. Mr./ Triplett said the trees are Type A, with one planted per 45 feet along that frontage.

03:10:03 In response to questions from Commissioner Sistrunk, Mr. Talbott said there are no current plans to install a four-board horse fence along the Cedar Creek Road frontage. Commissioner Sistrunk asked if that fence could be considered.

03:11:25 In response to questions from Commissioner Carlson, Mr. Talbott used a slide to show connections between the subject site and an adjacent neighborhood and traffic patterns.

03:14:03 Mr. Triplett clarified that the Scenic Corridor requirements are a 6-foot visual barrier (either a berm, or shrubs, or evergreen plantings) be established along that frontage, and one Type A every 40 feet.

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03:14:20 In response to questions from Commissioner Lewis and Sistrunk, Mr. Talbott & Mr. Hempel discussed sidewalks along Cedar Creek, and elected to not provide the four-board fence due to enhanced screening & buffering along Cedar Creek. Commissioner Sistrunk pointed out locations along Cedar Creek that have four-board fences. Mr. Hempel said the applicant would be willing to do this fencing along the four properties that have frontages along Cedar Creek (see recording for detailed discussions.)

The following spoke neither for nor against the request ("Other"):

Paula Miles, 9930 Thixton Lane, Louisville, KY 40291

Summary of testimony of those neither for nor against:

03:17:12 Paula Miles said she is speaking on behalf of her parents, who live at the north property. She said her brother and his wife live on the back five acres, which back up to the property. She advocated for a privacy fence around the new development, and highlighted other concerns from the neighbors (see recording for detailed presentation.) Concerns included: The size of the lots and the number of houses proposed for 12 acres; increased traffic and speeding on Cedar Creek Road; residents want a four-way stop at the intersection of Fairmount and Cedar Creek Road; "wet and swampy" land at the back of the development and water diversion to adjoining properties; the potential destruction of existing trees; damage to trees on adjacent properties' trees; privacy and security for adjacent homes; building homes on or near sinkholes.

The following spoke in opposition to the request:

Matt Sanders, 9116 Cedar Creek Road, Louisville, KY 40291

Summary of testimony of those in opposition:

03:24:30 Matt Sanders said he lives a few houses up from the subject site. His concerns include: Increased density, increased traffic; and traffic safety issues (he said there is a large community of bicyclists that use this area). He also requested a four-way stop at the intersection of Fairmount and Cedar Creek Road;

Rebuttal:

03:27:28 Mr. Talbott delivered rebuttal (see recording for detailed presentation.)

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03:29:31 Commissioner Carlson questioned Mr. Talbott's use of "housing shortage", which he said usually means "affordable housing". Mr. Talbott said there is no affordable housing planned for this project.

03:31:08 In response to questions from Commissioner Carlson, Mr. Triplett said there was no requirement for a karst survey; however, geotechnical engineers will be on-site during construction making recommendations as necessary.

03:32:02 In response to questions from Commissioner Carlson, Beth Stuber, with Metro Transportation Planning, said the possibility of a four-way stop at Fairmount and Cedar Creek Road is "very unlikely". It would have to meet the warrants for a stop signal (see recording for detailed explanation.) This would be a Metro decision, not State.

03:33:54 In response to a question from Commissioner Pennix, Ms. Miles said she had collected about 25 signatures on her petition from people interested in a privacy fence.

Deliberations:

03:35:38 Commissioners' deliberation.

03:37:11 Ms. St. Germain read a proposed binding element into the record, which the applicant has agreed to, as follows:

A four-board horse fence shall be provided along the Cedar Creek Road frontage (Lots 1 – 4). Maintenance of the fence shall be the responsibility of the developer, until such time as control of the Homeowners' Association is turned over to the homeowners, at which point maintenance responsibility shall transfer to the HOA.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in zoning from R-4 Single Family Residential to R-5 Single Family Residential

PLANNING COMMISSION
March 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0149

03:37:41 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal is not for higher density or intensity use; and the proposal is not substantially different in scale or intensity or density compared with the development around it; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal would permit new development providing residential uses; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because no distinctive cultural features are evident on the site; and no historic assets are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is not for higher density or intensity zoning; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the development is through areas of similar intensity and density; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the site is easily accessible by bicycle and car. Access via transit, or by or people with disabilities may be improved by the redevelopment of the site; Transportation Planning has approved the proposal; and no direct residential access to high speed roadways is proposed; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because the site is largely cleared at this time and tree canopy will be provided with the

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CASE NO. 22-ZONE-0149

development; no karst features are evident on the site; and the site is not located in the regulatory floodplain; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning district would increase the variety of housing types in the neighborhood by permitting housing on smaller lots than is typical for the immediate vicinity; and the proposal would support aging in place by providing smaller, lower-cost homes in an established neighborhood, thereby increasing housing choice for persons who may wish to remain in the neighborhood as they age; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income development. The site would be connected to the neighborhood and the surrounding area; and the site is not located on or near a transit corridor; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because the proposal would encourage the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in the neighborhood, and within Louisville Metro; no existing residents would be displaced by the proposal; and the proposal would permit accessory dwelling units; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 Single Family Residential to R-5 Single Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Howard, Mims, Clare, Fischer, Sistrunk, Carlson, and Lewis.

ABSTAIN: Commissioner Pennix.

ABSENT: Commissioner Brown.

Waiver from 7.3.30.E to permit a rear yard to overlap with a drainage easement by more than 15% (22-WAIVER-0223)

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PUBLIC HEARING

CASE NO. 22-ZONE-0149

03:38:42 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the overlap between the rear yard and the drainage easement is not likely to be visible outside the property or increase drainage off the property; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address overlap between required yards and drainage easements; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by MSD generally requiring drainage easements to be in rear yards; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring excess rear yard be reserved on lots that have the drainage easement, negatively impacting the building envelopes; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from 7.3.30.E to permit a rear yard to overlap with a drainage easement by more than 15% (22-WAIVER-0223)

The vote was as follows:

YES: Commissioners Howard, Mims, Clare, Fischer, Sistrunk, Carlson, and Lewis.

ABSTAIN: Commissioner Pennix.

ABSENT: Commissioner Brown.

Major Preliminary Subdivision (22-MSUB-0012)

03:39:33 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the site is mostly cleared and no natural resources are evident on the site. Required tree canopy will be provided; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that no open space provisions are pertinent to the request; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the overall site design is in compliance with existing and planned future development in the area. The proposal would provide an increase in the variety of housing in the neighborhood at a similar scale an intensity to existing development; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040 with the exception of the requested waiver; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Major Preliminary Subdivision Plan (22-MSUB-0012).

The vote was as follows:

YES: Commissioners Howard, Mims, Clare, Fischer, Sistrunk, Carlson, and Lewis.

ABSTAIN: Commissioner Pennix.

ABSENT: Commissioner Brown.

Detailed District Development Plan with Binding Elements

PLANNING COMMISSION
March 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0149

03:40:12 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the site is mostly cleared and no natural resources are evident on the site. Required tree canopy will be provided; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that no open space provisions are pertinent to the request; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the overall site design is in compliance with existing and planned future development in the area. The proposal would provide an increase in the variety of housing in the neighborhood at a similar scale an intensity to existing development; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040 with the exception of the requested waiver; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Cedar Creek Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. If necessary, the dedication can be shown on the record plat.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors,

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CASE NO. 22-ZONE-0149

subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
9. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for "Proposed Amaranth Drive". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

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12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
15. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
16. The signature entrance shall be submitted to the Planning Commission staff for review and approval.
17. A four-board horse fence shall be provided along the Cedar Creek Road frontage (Lots 1 – 4). Maintenance of the fence shall be the responsibility of the developer, until such time as control of the Homeowners' Association is turned over to the homeowners, at which point maintenance responsibility shall transfer to the HOA.

The vote was as follows:

PLANNING COMMISSION
March 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0149

YES: Commissioners Howard, Mims, Clare, Fischer, Sistrunk, Carlson, and Lewis.

ABSTAIN: Commissioner Pennix.

ABSENT: Commissioner Brown.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0149

Request: Change in zoning from R-4 to R-5, with associated Major Preliminary Subdivision, Detailed District Development Plan with Binding Elements, and Waiver

Project Name: Pulte Cedar Creek Road Subdivision

Location: 9220 & 9224 Cedar Creek Road

Owner: Wendell E Thommasson Revocable Living Trust

Applicant: Pulte Group

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel, 23 – Jeff Hudson

Case Manager: Dante St. Germain, AICP, Planner II

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

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:14:48 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation) The applicant is requesting a zone change from R-4 single family residential to R-5 single family residential. St. Germain stated that a neighbor named Paula Miles requests a privacy fence around the development.

The following spoke in favor of this request:

John Talbott, Bardenwerper Talbott and Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40222

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Dan Hempel, 10350 Ormsby Park Place Suite 103, Louisville, KY 40223

Summary of testimony of those in favor:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0149

03:17:59 John Talbott spoke in support of the application and presented a PowerPoint presentation (see video). Talbott stated that the applicant is looking to create 44 lot single family homes. Talbott mentioned that the development to the south has a stub and they will be connecting to that stub. Talbott also mentioned that their aren't many trees at this area however they will provide trees along the property.

03:22:24 Commissioner Brown asked if Talbott had a chance to look at the neighbors request about the privacy fence. Talbott stated that he hasn't spoken about it but per zoning change there are no requirements that a fence be put up.

03:23:14 Commissioner Carlson asked what type of traffic controls are at Cedar Creek and Fairmount. Commissioner Brown stated that he believes Fairmount is a side street stop.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

03:24:08 Land Development and Transportation Committee deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

03:24:25 The Committee by general consensus scheduled this case to be heard at the March 2nd, 2023, Planning Commission public hearing.

Planning Commission
Staff Report
March 2, 2023



Case No:	22-ZONE-0149
Project Name:	Pulte Cedar Creek Road Subdivision
Location:	9220 & 9224 Cedar Creel Road
Owner(s):	Wendell E Thommasson Rev Living Trust
Applicant:	Pulte Group
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel, 23 – Jeff Hudson
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-5 Single Family Residential
- **Waiver** from 7.3.30.E to permit a rear yard to overlap with a drainage easement by more than 15% (22-WAIVER-0223)
- **Major Preliminary Subdivision** (22-MSUB-0012)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on Cedar Creek Road across from the intersection with Fairmount Road, and consists of two parcels previously developed with a single-family home. The applicant proposes to rezone the site in order to construct a new 44-lot single-family subdivision. The residence currently on the property is not proposed to be retained.

Cedar Creek Road is a secondary collector and scenic corridor at this location. Single-family and large-lot single-family residential uses generally surround the site.

The site is located within the study area for the Fern Creek Small Area Plan. The site is located within Quadrant 3 (Southwestern Quadrant) and is within the Preservation Strategy Area where the rural, agricultural character should be maintained.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan. The site plan meets the requirements of the Land Development Code with the exception of the requested waiver. The waiver is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Plan 2040

Land Development Code (Louisville Metro)

Fern Creek Small Area Plan (2001)

MSD and Transportation Planning have provided preliminary approval of the proposal.

The Fern Creek Small Area Plan general recommendation for Quadrant 3 is to “preserve the existing rural residential and agricultural character of the southwestern quadrant while protecting the most significant natural resource in the quadrant, the Cedar Creek watershed. Such preservation would include strict regulation of the type and scale of development permitted in area.” Regulations regarding the type and scale of development permitted in the area were not adopted. Under “Guiding Principles” and Land Use, section 3.3.2, the plan states that the area in which this site is located “should be mostly low-density developments such as single-family residential, open space, and agricultural land uses.” Single-family residential land use is proposed for the site at this time. Section 8.2.2 addresses rural and agricultural land in this quadrant. An area-wide rezoning to downzone the area to R-R zoning was proposed. While there was an area-wide downzoning of other properties in the wider neighborhood, this site was not included, nor was any nearby site, and the subject site is currently R-4.

INTERESTED PARTY COMMENTS

Five interested party comments were received by staff. One comment was in opposition to the request. The remainder were regarding a fence requested by an interested neighbor.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Following is staff's analysis of the proposed rezoning against the Goals, Objectives and Policies of Plan 2040.

The site is located in a developing area of the county, with single-family and large-lot single-family development located in the immediate vicinity. The proposal would permit smaller lots, increasing the amount and variety of housing in the neighborhood. The proposal would improve the connectivity of the neighborhood as well, providing a more direct public right-of-way connection between Cooper Chapel Road and Cedar Creek Road.

The proposed zoning district is generally in compliance with the plan elements and CHASE principles of Plan 2040. All other agency comments should be addressed to demonstrate compliance with the remaining Goals, Objectives and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 7.3.30.E

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the overlap between the rear yard and the drainage easement is not likely to be visible outside the property or increase drainage off the property.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address overlap between required yards and drainage easements.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by MSD generally requiring drainage easements to be in rear yards.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring excess rear yard be reserved on lots that have the drainage easement, negatively impacting the building envelopes.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site is mostly cleared and no natural resources are evident on the site. Required tree canopy will be provided.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: No open space provisions are pertinent to the request.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design is in compliance with existing and planned future development in the area. The proposal would provide an increase in the variety of housing in the neighborhood at a similar scale an intensity to existing development.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040 with the exception of the requested waiver.

REQUIRED ACTIONS

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to R-5
- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Major Preliminary Subdivision**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

NOTIFICATION

Date	Purpose of Notice	Recipients
01/13/2023	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 22 & 23
02/15/2023	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 22 & 23
02/13/2023	Hearing before PC	Sign Posting on property
02/19/2023	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



9220 & 9224 Cedar Creek Rd
feet



440
Map Created 8/25/2022

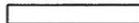


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2. Aerial Photograph



9220 & 9224 Cedar Creek Rd
feet



440

Map Created: 8/25/2022



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3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposal is not for higher density or intensity use.
2	Community Form: Goal 1	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	The proposal is not substantially different in scale or intensity or density compared with the development around it.
3	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal would permit new development providing residential uses.
4	Community Form: Goal 3	10. 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.	✓	No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site.
5	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	No distinctive cultural features are evident on the site.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Community Form: Goal 4	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	NA	No historic assets are evident on the site.
7	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is not for higher density or intensity zoning.
8	Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the development is through areas of similar intensity and density.
9	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The site is easily accessible by bicycle and car. Access via transit, or by or people with disabilities may be improved by the redevelopment of the site.
10	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	Transportation Planning has approved the proposal.
11	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	Transportation Planning has approved the proposal.
12	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Transportation Planning has approved the proposal.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Transportation Planning has approved the proposal.
14	Mobility: Goal 3	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No direct residential access to high speed roadways is proposed.
15	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The relevant utilities have approved the proposal.
16	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	Louisville Water Company has approved the proposal.
17	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD has approved the proposal.
18	Livability: Goal 1	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	The site is largely cleared at this time and tree canopy will be provided with the development.
19	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	No karst features are evident on the site.
20	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	NA	The site is not located in the regulatory floodplain.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
21	Housing: Goal 1	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed zoning district would increase the variety of housing types in the neighborhood by permitting housing on smaller lots than is typical for the immediate vicinity.
22	Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposal would support aging in place by providing smaller, lower-cost homes in an established neighborhood, thereby increasing housing choice for persons who may wish to remain in the neighborhood as they age.
23	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed zoning district would permit inter-generational mixed-income development. The site would be connected to the neighborhood and the surrounding area.
24	Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	-	The site is not located on or near a transit corridor.
25	Housing: Goal 3	1. Encourage 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.	✓	The proposal would encourage the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in the neighborhood, and within Louisville Metro.
26	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	No existing residents would be displaced by the proposal.
27	Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The proposal would permit accessory dwelling units.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Cedar Creek Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. If necessary, the dedication can be shown on the record plat.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is

completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
9. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for "Proposed Amaranth Drive". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
15. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
16. The signature entrance shall be submitted to the Planning Commission staff for review and approval.

**Land Development and Transportation
Committee
Staff Report
January 26, 2023**



Case No:	22-ZONE-0149
Project Name:	Pulte Cedar Creek Road Subdivision
Location:	9220 & 9224 Cedar Creel Road
Owner(s):	Wendell E Thommasson Rev Living Trust
Applicant:	Pulte Group
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel, 23 – Jeff Hudson
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-5 Single Family Residential
- **Waiver** from 7.3.30.E to permit a rear yard to overlap with a drainage easement by more than 15% (22-WAIVER-0223)
- **Major Preliminary Subdivision** (22-MSUB-0012)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on Cedar Creek Road across from the intersection with Fairmount Road, and consists of two parcels previously developed with a single-family home. The applicant proposes to rezone the site in order to construct a new 44-lot single-family subdivision. The residence currently on the property is not proposed to be retained.

Cedar Creek Road is a secondary collector and scenic corridor at this location. Single-family and large-lot single-family residential uses generally surround the site.

The site is located within the study area for the Fern Creek Small Area Plan. The site is located within Quadrant 3 (Southwestern Quadrant) and is within the Preservation Strategy Area where the rural, agricultural character should be maintained.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

Four interested party comments were received by staff. One comment was in opposition to the request. The remainder were regarding a fence requested by neighbors.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

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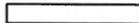
REQUIRED ACTIONS

- **Set the public hearing date.**

1. **Zoning Map**



9220 & 9224 Cedar Creek Rd
feet



440

Map Created: 8/25/2022

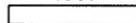


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2. Aerial Photograph



9220 & 9224 Cedar Creek Rd
feet



440

Map Created 8/25/2022



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3. **Proposed Binding Elements**

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3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Cedar Creek Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. If necessary, the dedication can be shown on the record plat.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is

completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
9. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for "Proposed Amaranth Drive". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
15. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
16. The signature entrance shall be submitted to the Planning Commission staff for review and approval.

Pre-Application Staff Report August 24, 2022



Case No:	22-ZONEPA-0112
Project Name:	Pulte Cedar Creek Road Subdivision
Location:	9220 & 9224 Cedar Creek Road
Owner(s):	Wendell E Thommasson Revocable Living Trust
Applicant:	Pulte Group
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel, 23 – James Peden
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-5 Single Family Residential
- **Major Preliminary Subdivision**

CASE SUMMARY/BACKGROUND

The subject site is located on Cedar Creek Road across from the intersection with Fairmount Road, and consists of two parcels previously developed with a single-family home. The applicant proposes to rezone the site in order to construct a new 46-lot single-family subdivision. The residence currently on the property is not proposed to be retained.

Vaughn Mill Road is a secondary collector and scenic corridor at this location. Single-family and large-lot single-family residential uses generally surround the site.

The site is located within the study area for the Fern Creek Small Area Plan. The site is located within Quadrant 3 (Southwestern Quadrant) and is within the Preservation Strategy Area where the rural, agricultural character should be maintained.

STAFF FINDING

The proposal to rezone the property to R-5 appears to be appropriate given the site location and context. The applicant must conduct a neighborhood meeting to prepare for the formal filing.

TECHNICAL REVIEW

Land Development Code (2022) Louisville Metro

Fern Creek Small Area Plan (2001)

Please see detailed agency review comments.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposal is not for higher density or intensity use. The proposal is not substantially different in scale or intensity or density compared with the development around it. The proposal would permit new development providing residential uses. No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. No distinctive cultural features are evident on the site. No historic assets are evident on the site. The site is not located on or near a transit corridor.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council

regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 22&23
	Hearing before PC	1 st and 2 nd tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 22&23
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

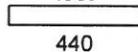
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist

1. Zoning Map



9220 & 9224 Cedar Creek Rd
feet



440
Map Created 8/25/2022

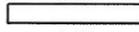


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2. Aerial Photograph



9220 & 9224 Cedar Creek Rd
feet



440

Map Created 8/25/2022



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3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposal is not for higher density or intensity use.
2	Community Form: Goal 1	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	The proposal is not substantially different in scale or intensity or density compared with the development around it.
3	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal would permit new development providing residential uses.
4	Community Form: Goal 3	10. 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.	✓	No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site.
5	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	No distinctive cultural features are evident on the site.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Community Form: Goal 4	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	NA	No historic assets are evident on the site.
7	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is not for higher density or intensity zoning.
8	Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the development is through areas of similar intensity and density.
9	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The site is easily accessible by bicycle and car. Access via transit, or by or people with disabilities may be improved by the redevelopment of the site.
10	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	+/-	Transportation Planning is reviewing the proposal.
11	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	+/-	Transportation Planning is reviewing the proposal.
12	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	+/-	Transportation Planning is reviewing the proposal.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	+/-	Transportation Planning is reviewing the proposal.
14	Mobility: Goal 3	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No direct residential access to high speed roadways is proposed.
15	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	+/-	The relevant utilities are reviewing the proposal.
16	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	+/-	Louisville Water Company is reviewing the proposal.
17	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+/-	MSD is reviewing the proposal.
18	Livability: Goal 1	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	The site is largely cleared at this time and tree canopy will be provided with the development.
19	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	+/-	More information regarding karst topography is needed from the applicant.
20	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	NA	The site is not located in the regulatory floodplain.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
21	Housing: Goal 1	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed zoning district would increase the variety of housing types in the neighborhood by permitting housing on smaller lots than is typical for the immediate vicinity.
22	Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposal would support aging in place by providing smaller, lower-cost homes in an established neighborhood, thereby increasing housing choice for persons who may wish to remain in the neighborhood as they age.
23	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed zoning district would permit inter-generational mixed-income development. The site would be connected to the neighborhood and the surrounding area.
24	Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	-	The site is not located on or near a transit corridor.
25	Housing: Goal 3	1. Encourage 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.	✓	The proposal would encourage the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in the neighborhood, and within Louisville Metro.
26	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	No existing residents would be displaced by the proposal.
27	Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The proposal would permit accessory dwelling units.

LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

Written Description for Rezoning
9220 & 9224 CEDAR CREEK ROAD
(Date: October 17, 2022)

TRACT 1

BEGINNING at the point of intersection of the Westerly right-of-way line of Cedar Creek Road, with the Southerly line of the tract conveyed to NELL H. PERRY by a Deed of record in Deed Book 3601, Page 243, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, said point also being the point of intersection with said Westerly right-of-way line with the Northerly line of the lands of H.J. Shrewbury as recorded in Deed Book 4283, Page 106, in the aforesaid Clerk's Office; thence, leaving said point of beginning and following the Westerly right-of-way line of Cedar Creek Road North 3 Degrees 00 Minutes West 250 Feet to an iron pipe in said Westerly right-of-way line; thence, North 88 Degrees 30 Minutes West 1238.73 Feet to an iron pipe; thence, South 2 Degrees 56 Minutes 50 Seconds West 250 Feet to an iron pipe; thence, South 88 Degrees 30 Minutes East 1238.50 Feet to the point of beginning.

Said description is based upon a survey prepared by Richard L. Dawson and contains 7.11 acres, more or less.

TRACT 2

BEGINNING at a point in the Westerly right-of-way line of Cedar Creek Road, said point being North 3 Degrees 00 Minutes East 250 Feet, as measured along said Westerly right-of-way line, from the point of intersection of said right-of-way line with the Southerly line of the tract conveyed to NEIL H. PERRY by a Deed of record in Deed Book 3601, Page 243, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; thence, leaving said point of beginning and following the Westerly right-of-way line of Cedar Creek Road North 3 Degrees 00 Minutes East 184.40 Feet to an iron pipe in the Westerly right-of-way line; thence, North 88 Degrees 30 Minutes West 1238.90 Feet to an iron pipe in the Westerly line of the aforementioned Perry tract; thence, South 2 Degrees 56 Minutes 50 Seconds West 184.40 Feet to an iron pipe; thence, South 88 Degrees 30 Minutes East 1238.73 Feet to the point of beginning.

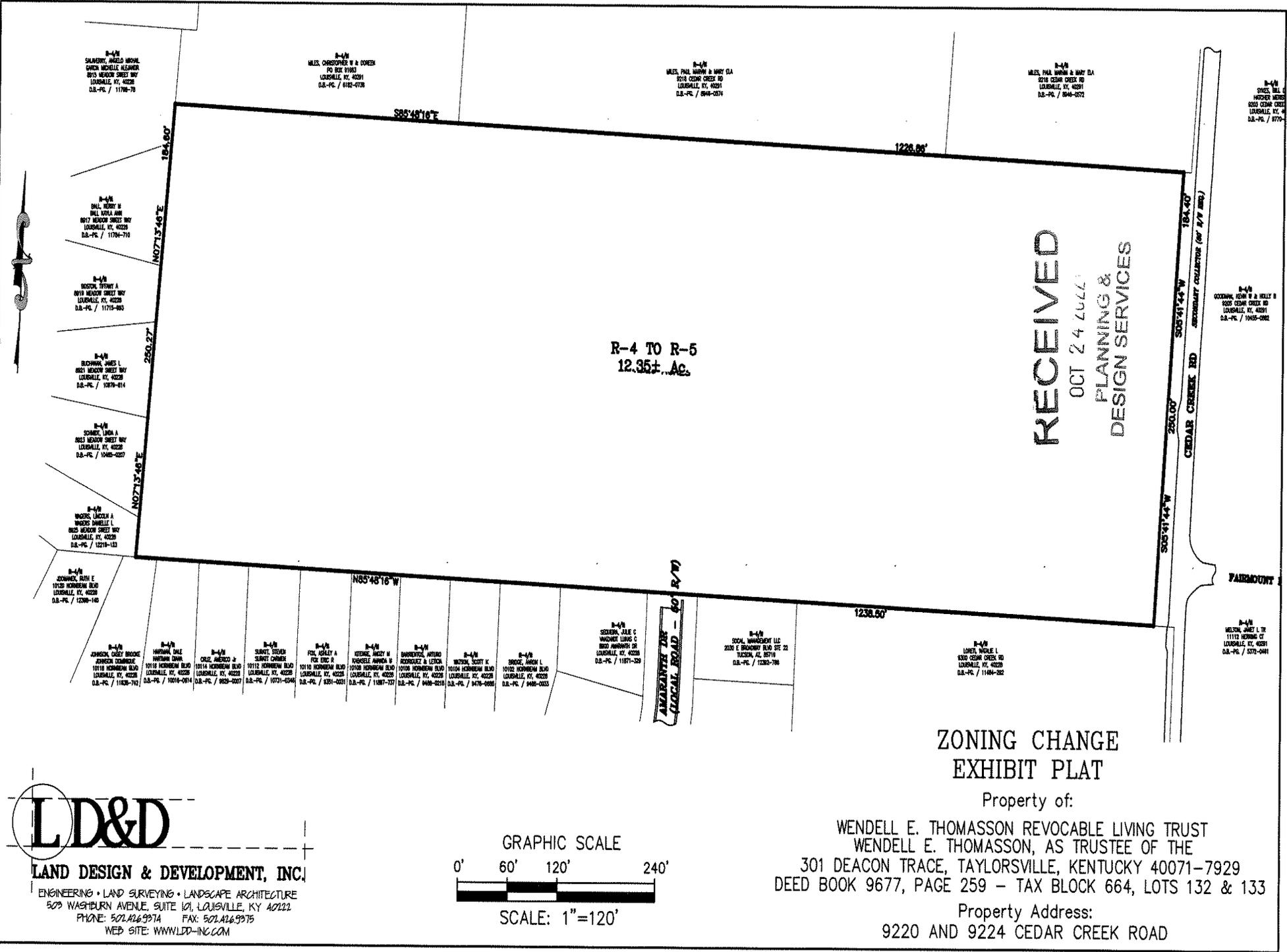
Said description is based upon a survey prepared by Richard L. Dawson and contains 5.24 acres, more or less.

Being the same property conveyed to Wendell E. Thomasson as Trustee of the Wendell E. Thomasson Revocable Living Trust, by Deed dated December 30, 2010, of record in Deed Book 9677, Page 259, in the Office of the Clerk of Jefferson County, Kentucky. (Tracts 1 and 2)

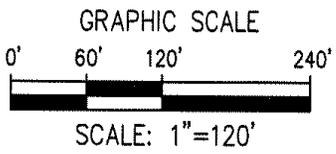
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22-ZONE-0149



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PHONE: 502.426.9374 FAX: 502.426.9375
WEB SITE: WWW.LDD-INC.COM



ZONING CHANGE EXHIBIT PLAT

Property of:
WENDELL E. THOMASSON REVOCABLE LIVING TRUST
WENDELL E. THOMASSON, AS TRUSTEE OF THE
301 DEACON TRACE, TAYLORSVILLE, KENTUCKY 40071-7929
DEED BOOK 9677, PAGE 259 - TAX BLOCK 664, LOTS 132 & 133
Property Address:
9220 AND 9224 CEDAR CREEK ROAD

R-4
SHEEL, BILL
1025 CEDAR CREEK RD
LOUISVILLE, KY 40211
D.B.-P.C. / 1165-082

R-4
CORNELL, JOHN F & KELLY B
8025 CEDAR CREEK RD
LOUISVILLE, KY 40281
D.B.-P.C. / 1045-082

R-4
WELTON, JAMES L JR
11112 HENNING CT
LOUISVILLE, KY 40281
D.B.-P.C. / 5378-041

R-4
SALADINO, ANGELO MICHAEL
SALADINO, MICHELLE ALEXANDER
8915 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1178-78

R-4
MILES, CHRISTOPHER W & CONNOR
PO BOX 11983
LOUISVILLE, KY 40281
D.B.-P.C. / 8182-078

R-4
MILES, PAUL WYNN & MARY ELA
2016 CEDAR CREEK RD
LOUISVILLE, KY 40281
D.B.-P.C. / 894-024

R-4
MILES, PAUL WYNN & MARY ELA
2016 CEDAR CREEK RD
LOUISVILLE, KY 40281
D.B.-P.C. / 894-022

R-4
DILL, TERRY W
8017 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1178-714

R-4
BOGGS, TERRY A
8019 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1175-883

R-4
BOSWELL, JAMES L
8021 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1078-814

R-4
SCHEIDT, JOHN A
8023 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1048-087

R-4
WHEAT, LACCEA A
WHEAT, DANIELLE L
8025 MEADOW STREET HWY
LOUISVILLE, KY 40228
D.B.-P.C. / 1278-133

R-4
JOHANN, RUTH E
10130 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 1338-148

R-4
JOHNSON, CORY BRUCE
JOHNSON, DEBORAH
10118 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 1182-742

R-4
HARRMAN, DALE
10118 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 1008-084

R-4
ORLIZ, AMERCO J
10118 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 883-007

R-4
SLIGHT, STEVEN
SLIGHT, CHRYSE
10118 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 1073-034

R-4
FOX, GALEY A
FOX, ERIC R
10118 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 831-003

R-4
JONES, ROBERT W
JONES, AMANDA W
10108 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 1187-737

R-4
HARRINGTON, WYBRO
RODRIGUEZ & LERDA
10108 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 848-0215

R-4
MCCOY, SCOTT K
10104 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 843-0085

R-4
BRIDGE, ARON L
10102 HORNBEAM BLVD
LOUISVILLE, KY 40288
D.B.-P.C. / 848-0033

R-4
SEIDMAN, VILIE C
WANDER, LINDA C
8802 HAWTHORN CR
LOUISVILLE, KY 40288
D.B.-P.C. / 1187-329

R-4
SOOL, MANAGEMENT LLC
2330 E BROADWAY BLVD STE 22
TUCKER, GA 30714
D.B.-P.C. / 7238-786

R-4
LOVELL, WADDE L
8300 CEDAR CREEK RD
LOUISVILLE, KY 40288
D.B.-P.C. / 1164-822

184.80'
1238.60'
250.00'
1238.60'
184.80'
CEDAR CREEK RD
300'x41'24" W
300'x41'24" W
300'x41'44" W
250.00'

FAIRBOURNTOWN

**STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES
AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN**

Applicant: Pulte Group

Owner: Wendell E. Thommasson Revocable Living Trust

Location: 9220 and 9224 Cedar Creek Road

Proposed Use: Single Family Residential Subdivision

Engineers, Land Planners and Landscape Architects: Land Design & Development

Request: Zone change from R-4 to R-5

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COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 7 and 9, for these reasons:

This zone change application complies with this Goal because the site is located in the Neighborhood Form District which encourages a diversity of housing types, ranging from low-density residential to higher density providing a range of housing opportunities. This proposed development and the rezoning from R-4 to R-5 is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area. The surrounding neighborhood properties are zoned R-4 as is the subject property. Because the proposed use fits within and is compatible with the surrounding properties, the DDDP demonstrates that the proposal provides screening and buffering, to the extent required and possible.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 9 because the proposed lots are integrated with other residential areas with connecting roadways and stubs to adjacent undeveloped properties; it has open space as well as a scenic landscape buffer along Cedar Creek Road.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

22-ZONE-0149

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policy 10 for these reasons:

The proposed development has been designed to preserve the open space areas shown on the plan, many of which provide a usable area for the residents, while at the same time providing a visual and spatial buffer where required to the neighboring property owners. This open space areas were also designed to be in areas that protect the natural features on the property and reduce the impacts of stormwater drainage. These open spaces will be owned by the proposed owners in common and maintained by the homeowners' association. There are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems.

Goal 4 Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposal complies with all of the applicable Objectives and Policies of Goal 4 specifically Policies 2 and 3 because there are no distinctive cultural or natural features that will not be retained and their or no distinctive historic resources.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1 and 4 of Goal 1, for the following reasons:

This proposed rezoning and DDDP will cater to those who want to live in close proximity to Cedar Creek Road corridor. Sidewalks are being provided along Cedar Creek Road. As previously stated, this proposed subdivision is located in close proximity to the Bardstown Road corridor providing convenient access to goods and services, as well as the employment centers in the area.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 3, 4, 5, and 6, for the following reasons:

The access to this single-family development is via a primary collector road (Cedar Creek Road) which contains many other single family residential homes. Connections into the adjoining subdivision the north and south and stub streets are provided for future development east and north of the site. The entrance along Cedar Creek Road has been reviewed by Transportation Planning for appropriate sight distances on this primary collector road. The internal streets were designed to maximize both the pedestrian connectivity and sense of place, but also to provide the best vehicular connectivity with least impervious surface.

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22-ZONE-0149

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 3, 5, 6, 7, 8, 9, 10 and 21, for these reasons:

This proposed single-family development will provide needed infill housing very close to the activity centers along Bardstown Road. The location of this subdivision close proximity to Bardstown Road activity centers will provide those working in the area with an opportunity to purchase a new home. As such, many of the residents will likely work in very close proximity to work or their customary marketplace. Housing is needed in Louisville Metro to allow its continued growth in corridors like Bardstown Road to reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options. The subject property's close proximity to the above will also help eliminate multiple automobile trips (vehicle miles travelled) for such services. Due to this development's close proximity to public transportation options along Bardstown Road, as well as the opportunity for pedestrian and bicycle travel, this proposal will have far less demand on the public transportation network than a new development in the outlying areas of Louisville Metro

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 for these reasons:

The subject property is currently served by existing utilities with sufficient capacity for this proposed development as will be confirmed through all utility providers through this rezoning process. These confirmations specifically include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary sewer capacity.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 17 and 21 for these reasons:

The proposed development will add new native species landscaping as shown on the development plan and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval. There are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition. The added detention and water quality unit will not only help mitigate the impacts of this development but likely help with any existing floodplains. A karst survey will be provided.

HOUSING

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Goal 1 – Expand and ensure a diverse range of housing choices.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 1, 2, and 3, because the proposed plan will add to the variety of housing types in the area providing more options to age in place in a newer home on a smaller lot with less maintenance obligations supports aging in place. It is located in close proximity to the Bardstown Road corridor which provides goods, services including medical offices and other supportive services as well as transportation options.

Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 because its design does encourage inter-generational and mixed-income development that is connected to the existing neighborhood and surrounding area within proximity to multi-modal transportation and amenities providing neighborhood goods and services.

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3 because the proposed development provides a variety of ownership and unit costs with an opportunity for people to live in quality, variable priced housing in this area of Metro Louisville and will not displace existing residents with a plan providing smaller lot sizes to enable affordable housing.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

John C. Talbott
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

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Louisville Metro Planning Commission Public Hearing – March 2, 2023

Louisville Metro Land Design and Transportation Committee – January 26, 2023

Neighborhood Meeting – October 4, 2022

Docket No. 22-ZONE-0149

Proposed zone change from R-4 to R-5 to allow a 44-lot single family subdivision located at 9220 and 9224 Cedar Creek Road

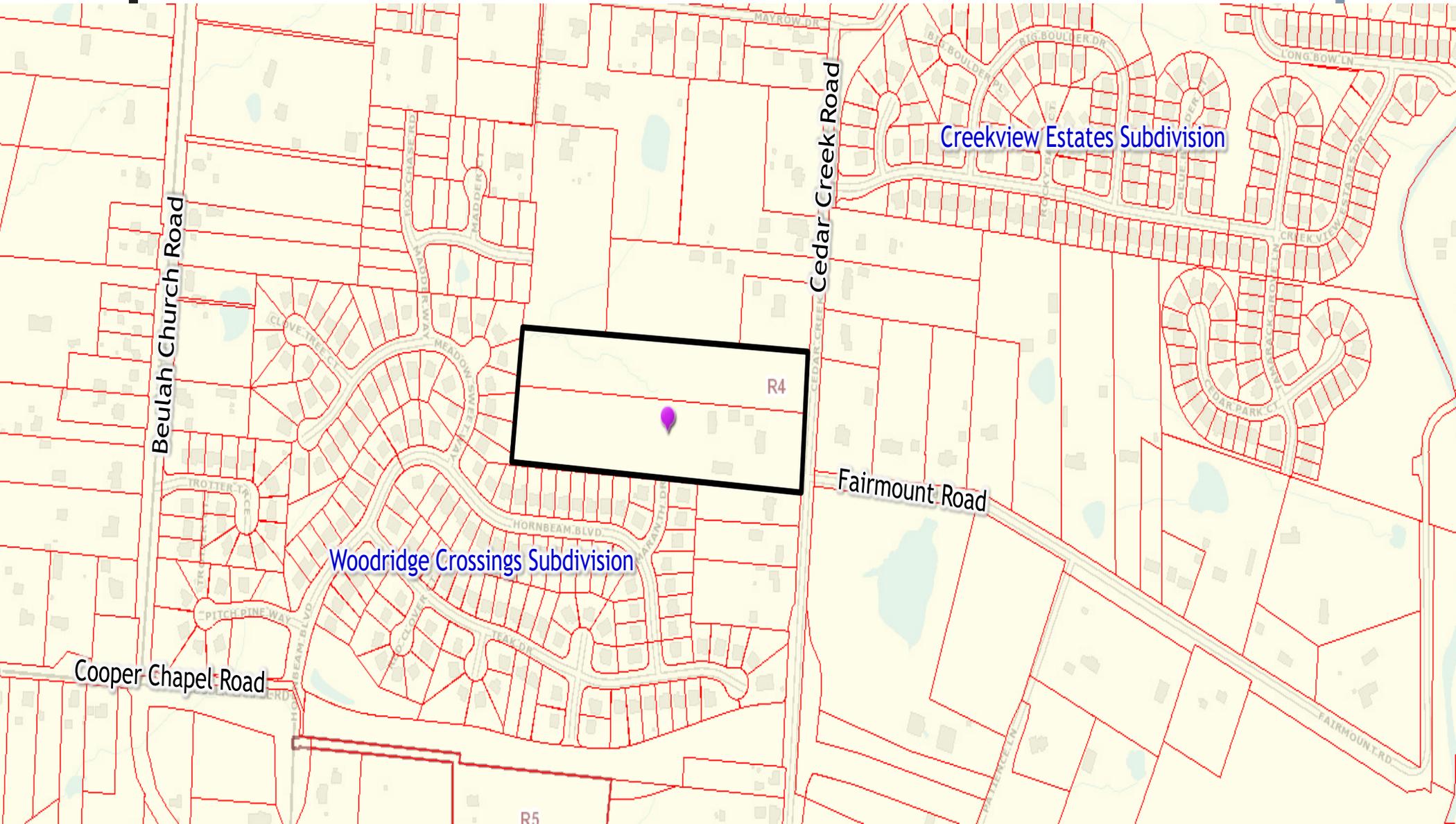


Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Similar home building style and design
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification
8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria



TAB 1
LOJIC ZONING MAP



Creekview Estates Subdivision

R4

Woodridge Crossings Subdivision

Beulah Church Road

Cedar Creek Road

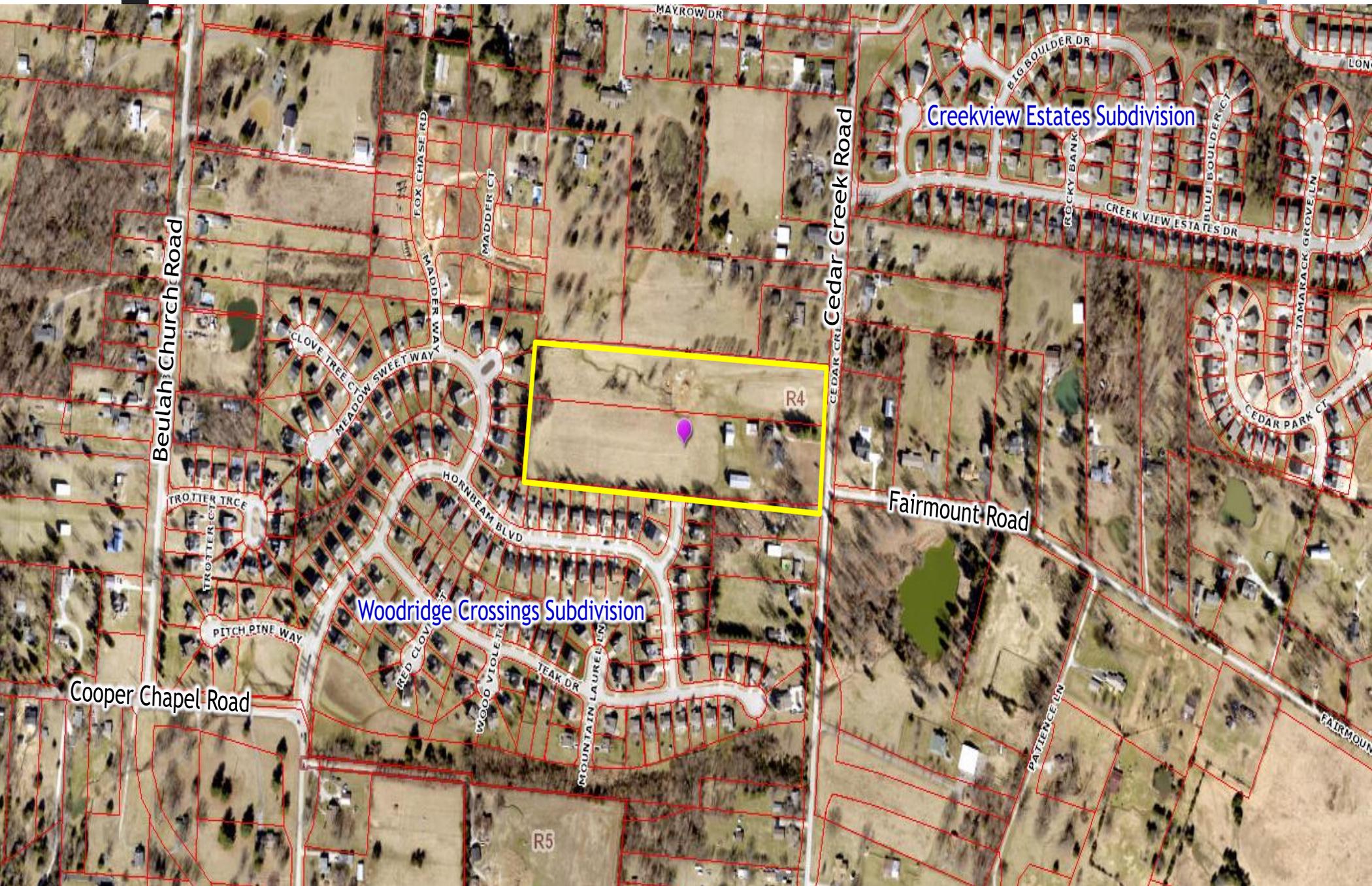
Fairmount Road

Cooper Chapel Road

R5



TAB 2
**AERIAL PHOTOGRAPH OF
THE SITE AND
SURROUNDING AREA**



Creekview Estates Subdivision

Woodridge Crossings Subdivision

R4

R5

Beulah Church Road

Cedar Creek Road

Fairmount Road

Cooper Chapel Road





Beulah Church Road

Cooper Chapel Road

Woodridge Crossings Subdivision

Creekview Estates Subdivision

Fairmount Road

Cedar Creek Road

R5

Ct

Madder Ct



CEDAR CREEK ROAD Cedar Creek Rd

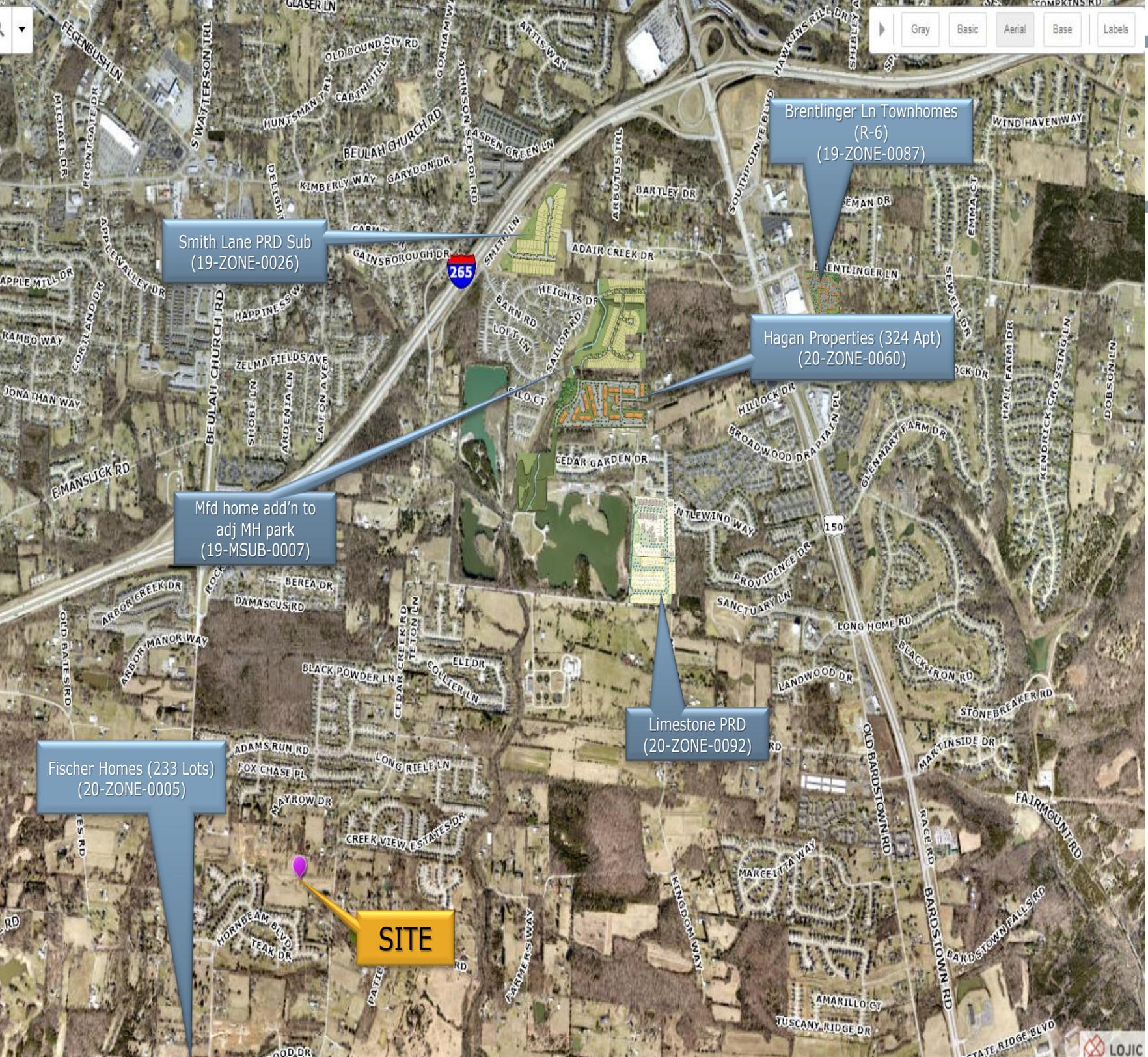
FAIRMOUNT ROAD

Hornbeam Blvd

Hornbeam Blvd

Cedar Creek Rd





Smith Lane PRD Sub
(19-ZONE-0026)

Brentlinger Ln Townhomes
(R-6)
(19-ZONE-0087)

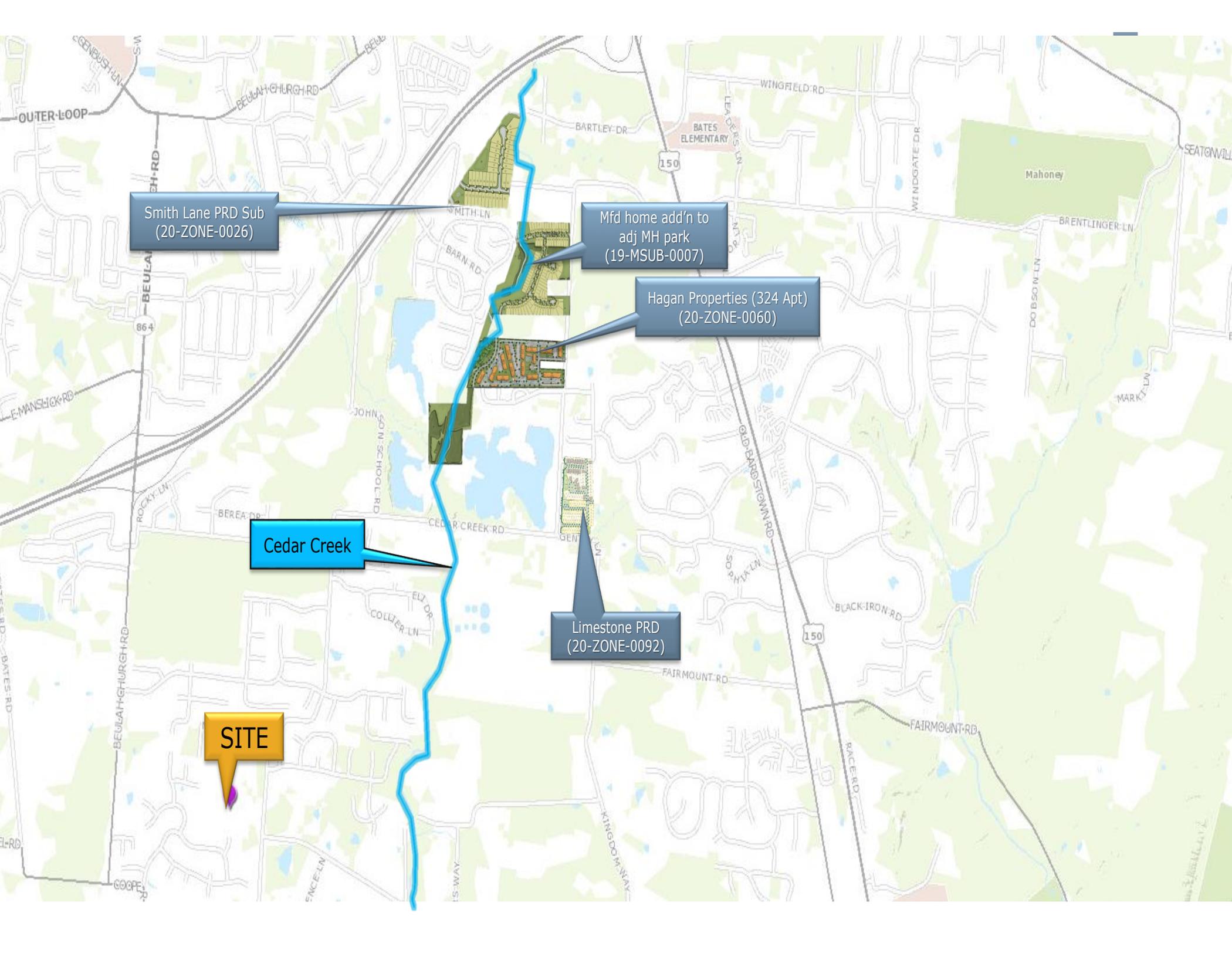
Hagan Properties (324 Apt)
(20-ZONE-0060)

Mfd home add'n to
adj MH park
(19-MSUB-0007)

Limestone PRD
(20-ZONE-0092)

Fischer Homes (233 Lots)
(20-ZONE-0005)

SITE



Smith Lane PRD Sub
(20-ZONE-0026)

Mfd home add'n to
adj MH park
(19-MSUB-0007)

Hagan Properties (324 Apt)
(20-ZONE-0060)

Cedar Creek

Limestone PRD
(20-ZONE-0092)

SITE



TAB 3
GROUND LEVEL
PHOTOGRAPHS OF THE
SITE AND SURROUNDING
AREA



SITE

View of site from Cedar Creek Road, looking north. Site is the left.



SITE

View of site from Cedar Creek Road. Existing home to be removed.



SITE

Google

View of site from Cedar Creek Road, looking south. Site is to the right.



TAB 4

**NEIGHBORHOOD MEETING
NOTICE LIST MAP, LETTER TO
NEIGHBORS INVITING THEM
TO THE MEETING AND
SUMMARY OF MEETING**



9220 & 9224 Cedar Creek Rd



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco
Email: NRP@BARDLAW.NET
Mobile: (502) 777-8831

June 29, 2022

RE: Neighborhood meeting for a proposed change in zoning from R-4 and C-1 to R-6 to allow a 110-unit townhome community on property located at 9408 and 9500 Old Bardstown Road

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change and Detailed District Development Plan (DDDP) to allow a 110-unit townhome community to be located as above.

A plan for pre-application review was filed with the Division of Planning and Design Services (DPDS) that was assigned case number, **22-ZONEPA-0088** and case manager, **Jay Luckett**. The applicant is proposing to build 16, 2-story buildings with 217 parking spaces. Amenities including attached garages, a dog park, clubhouse and pool will be provided. Accordingly, we would like to show and explain this plan so that we might hear what thoughts, issues and concerns you may have.

In that regard, a meeting will be held on **Thursday, July 14, 2022**, beginning at **6:30 p.m.** at the **Fern Creek Community Center and Chamber of Commerce Annex Room** located at **6104 Bardstown Road** (*enter under the black awning labeled "Office"*).

Enclosed for your review are the following:

1. The development plan
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet and Information on how to obtain case information online from PDS' online customer service portal
5. PDS' "After the Neighborhood Meeting" sheet

If you are unable to attend the meeting, or have any questions or comments, please feel free to email or call me at the number listed above.

We look forward to our opportunity to visit with you.

Sincerely,



Nick Pregliasco

cc: Hon. Robin Engel, Councilwoman, District 22
Jay Luckett, case manager with Division of Planning & Design Services
Derek Triplett & Ted Bernstein, engineers with Land Design & Development, Inc.
Dan Friess, applicant with Friess Property Company
Jake Bert, applicant with Heritage Peak Partners

Neighborhood Meeting Summary

A neighborhood meeting was held on July 14, 2022 at the Fern Creek Community Center and Chamber of Commerce Annex Room located at 6104 Bardstown Road. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, Ann Richard, land planner and engineer with Land Design & Development, Inc., as well as the applicant Jake Bert and Dan Friess with Heritage Peak Partners.

Nick Pregliasco started off showing a powerpoint presentation showing a LOJIC map of the property and surrounding area, along with aerial images of the property and the properties surrounding it. Mr. Pregliasco explained the development in the area on a zoomed out aerial image. He also started off by providing the name and contact information of Planning and Design Services case manager Jay Lockett explaining that those in attendance can always contact the applicant representatives for updates, but can also contact the case manager with specific issues, opposition, comments, etc., as well as to find out the status of the case.

Showing the LOJIC zoning map, Mr. Pregliasco explained that a portion of the property is already zoned C-1, and the adjoining property to the south is C-1 and M-2. The owner of the property to the south spoke up and said that it had been rezoned some time back for the McVey plumbing business that is located on that property. Mr. Pregliasco explained that the proposal is to downzone the C-1 portion of the subject property to R-6, and to rezone the R-4 portion of the subject property to R-6 for an upscale townhome style apartment community. He showed the property to the south of McVey Plumbing is the Bootleg Barbeque at the corner of Thixton Lane and Old Bardstown Road. Then, he showed the proposed detailed district development plan for the site and explained the layout of same. Mr. Pregliasco, along with Ann Richard explained the differences in the two types of townhome units, being those with garages and those without. They also explained the substantial open space and the reason for the central courtyard areas. The applicant, Dan Friess, explained that because they are looking to have a very nice community with high rents, they sacrificed additional units in additional buildings in order to provide the open space areas. Dan explained the other Louisville area projects that his group has purchased including Ashton Park, and others, and that they maintain high occupancy and high rents through a nice product. Ms. Richard and Mr. Pregliasco explained how the sanitary sewer service line would be run to the subject property and explained the detention basin on the south side. Thereafter, Mr. Pregliasco showed elevations of the proposed townhome units.

Thereafter, the neighborhood meeting was opened up for questions. There were questions about the potential traffic on Old Bardstown Road and the current traffic at the Thixton Lane / Bardstown Road intersection. The neighbors also explained how the trees located on the Bootleg Barbeque site creates an unsafe condition as it makes seeing other cars more difficult.

The applicant answered questions about the unit mix, being mainly 2-3 bedroom units, and which buildings had which type. There were concerns raised about the screening and buffering of the property to the south, as well as the drainage for the property to the south due to the drop in elevation between

the subject property and the property to the south. There were questions about the need for more apartments, but many liked the style and design of what was proposed.

The applicant and its representatives stayed until all questions were answered.



TAB 5
DEVELOPMENT PLAN

PLAN
1228
5-78

PU BLK 91000
LOUISVILLE, KY, 40291
D.B.-PG / 6182-0738

M.E.C. PHIL. HENNING & ASSOC. L.L.P.
3218 CEDAR CREEK RD
LOUISVILLE, KY, 40291
D.B.-PG / 8846-0574

3218 CEDAR CREEK RD
LOUISVILLE, KY, 40291
D.B.-PG / 8846-0572



R-4/N
LORETT, NATALIE L
3300 CEDAR CREEK RD

EP TO EP

EX. S&D

PROV. 15' S&D ESMT



TAB 6
**SIMILAR HOME BUILDING
STYLE AND DESIGN**





















TAB 7
**STATEMENT OF COMPLIANCE FILED
WITH THE ORIGINAL ZONE CHANGE
APPLICATION WITH ALL APPLICABLE
GOALS OF THE 2040 PLAN AND
WAIVER JUSTIFICATION**

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: Friess Property Company; Heritage Peak Partners

Owner: : Roger Dale Perkins Estate; Michael and Laura Schnell

Project Name/Location: : Old Bardstown Road Townhomes

Proposed Use: Multifamily Residential

Request: Zone change from R-4 and C-1 to R-6

Engineers, Land Planners, : Land Design & Development, Inc.
Landscape Architects:

INTRODUCTION

The Applicant, Heritage Peak Partners, proposes a medium density townhome community at 9480 and 9500 Old Bardstown Road with 110 townhome units in 16 two story buildings and including a clubhouse and pool on the west side of Old Bardstown Road between Fairmount Road and Thixton Lane in the Fern Creek area. Large lot single-family homes abut to the east, north and a vacant tract to the west. M-2 Industrial abuts the existing C-1 portion of the site which is located in a Neighborhood Form District in a rapidly developing area south of the Gene Snyder Freeway.

PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes. However, the proposed density in this instance is not for a higher density or intensity. The 2-story townhome style of these proposed apartments, plus their design, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and specific neighborhood. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers. Located as this proposed apartment community is near to a commercial activity center and both existing and planned restaurant and major retail shopping opportunities, travel distances for these purposes are severely reduced, and walking and biking become very real possibilities. This helps contribute to improved air quality. The proposed all brick, townhouse style and design of these townhome buildings are also design and density

compatible with similar development in the area. Landscaping, screening, and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses. The proposed development is consistent with the Fern Creek Small Area Plan originally adopted in 2001 (“FCSAP”). It is north of a proposed activity center at Thixton Lane and Bardstown Road. The FCSAP states in pertinent part that this area “should be developed in medium density residential uses... that are in-scale and compatible with the existing residential uses in the area.” (pp. 36 and 85).

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: The proposed apartment community is located in a Neighborhood Form District and provides new residential uses.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: The detailed district development plan (DDDP) filed with the rezoning application for this proposed apartment community includes a community clubhouse, pool and 80,123 square feet of well distributed communal open space for use by residents which is substantially more than the 56,783 square feet required by the LDC. These open spaces will be maintained in perpetuity by the owner of the townhouse community. The site does not contain severe, steep, or unstable slopes nor any wet or highly permeable soils.

As to Goal 4, this is not a historic site with historic buildings or distinctive cultural features but does contain a barn over 50 years old which will be demolished in compliance with the Wrecking Ordinance Section 150.110.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below: This proposed townhome community is 2.5 miles south of Regional Center and town Center form districts located at Bardstown Road and the Gene Snyder Freeway and within an existing activity center that provides a mix of zoning and uses centered on Old Bardstown road, Thixton Lane and Bardstown Road (located as it is within an existing and growing activity center, with good access and thereby well connected as it is proposed to be near schools, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating their development along and with access to and from those networks, the aforementioned developers will at their cost construct a sidewalk along Old Bardstown Road, a collector roadway. In doing so, they will prepare construction plans that will assure safe access with good site distances and turning radii for the private access directly to Old Bardstown Road. Bike racks and handicapped parking spots will be installed as and where required near buildings. 217 parking spaces (including eight handicapped spaces) are provide as shown on the development plan. All drive lanes, parking spaces will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application. TARC service is not currently available outside the Gene Snyder Freeway. No new roadway improvements are proposed. There is no direct access residential access to high-speed roadways. All necessary utilities are located proximate to this site

and accessible by it via public right of way or easements. Page 42 of the FCSAP notes that this area is designated as a shared access bikeway and bike racks will be provided on site to take advantage of this feature.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies. As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below: schools are in reasonable proximity, including Fern Creek High School (4.3 miles), Fern Creek Elementary School (4.4 miles), Ramsey Middle School (5.6 miles), and Bates Elementary School (2.7 miles). Adequate sewage treatment and disposal is provided which do not threaten water quality. The site is served by the Louisville Metro Police Department Seventh Division, Beat 2, and the Fern Creek Fire Department, Station 2, 9409 Bardstown Road.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies. As to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below: As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed apartment community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the tax base essential to the provision of government services.

PLAN ELEMENT 4.5: LIVEABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The DDDP filed with this application shows how storm water is proposed to be addressed, including where a 27,000 cubic foot detention basin is located at the southeast corner of the site such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the Cedar Creek regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole. The site is not in a regulatory floodplain. There are no regulated streams or other protected waterways that are directly impacted by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. The LDC tree canopy requirement (35% of site) will be provided with 132,494 square feet of canopy. As mentioned above, given the location of this proposed townhome community in an existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced. A karst survey performed on June 23, 2022, by Ted Bernstein, RLA and no karst features were found on the site.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above: Designed as it is as 2-story townhome community, it will serve a different role and purpose than some others. With the unit amenities expected at the rental rates contemplated, this townhome community fits the category of “workforce” housing, meaning primarily individuals and families currently in the workplace. Because of the number of bedrooms, it is indeed possible that some residents, particularly staff and teachers will take advantage of proximity to the nearby schools, will have children. This plan supports mixed income and intergenerational development by proposing additional housing types in an area with access to a variety of commercial services, amenities, and employment opportunities. The location on Old Bardstown Road provides ready access to a transportation network with safe and convenient access to employment, services, and amenities. This proposal supports fair and affordable housing and does not displace current residents.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives, and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

Nicholas R. Pregliasco
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223



TAB 8
**PROPOSED FINDINGS OF FACT
PERTAINING TO COMPLIANCE WITH
THE 2040 PLAN AND WAIVER CRITERIA**

QUESTIONS



St Germain, Dante

From: Paula And Steve <33sandp@gmail.com>
Sent: Wednesday, January 25, 2023 7:11 PM
To: St Germain, Dante
Subject: LDT Meeting-Case No. 22-ZONE- 0149, located at 9920 Cedar Creek Road.

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Hello Dante,

My name is Paula Miles and I've recently sent you correspondence involving Case No. 22-ZONE-0149, located at 9920 Cedar Creek Rd. This correspondence was a request for the installation of a privacy fence around the proposed development. The reason I am writing you is that I understand there is a zoning meeting tomorrow, January 26, 2023, for this development. Unfortunately, travel will prevent me from being present at this meeting. I am writing you to help ensure that our privacy fence installation request is being considered as part of this development. Since I can't attend the meeting, I wanted you to know that this request from me, family, and other neighbors is still active. I am not sure a zoning meeting such as the one tomorrow is the correct venue to express our request and rationale for the fence, but please know we will continue to push as necessary for the fence installation.

Thank you for your time and all you are doing to document our request.

Paula Miles
502-554-0790

St Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Monday, November 21, 2022 10:32 PM
To: Paula And Steve
Cc: dan.hempel@pultegroup.com; triplett@ldd-inc.com; St Germain, Dante
Subject: Re: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Thanks for the response, Paula. If you have any other questions, feel free to call me on my cell phone. If not, I wish you and your family a Happy Thanksgiving.

With continued kind regards,



Land Law

John C. Talbott

Bardenwerper Talbott & Roberts, PLLC
Office 502-426-6688
Cell 502-741-8783

From: Paula And Steve <33sandp@gmail.com>
Date: Monday, November 21, 2022 at 5:26 PM
To: John Talbott <John@bardlaw.net>
Cc: Dante.St.Germain@louisvilleky.gov <Dante.St.Germain@louisvilleky.gov>, dan.hempel@pultegroup.com <dan.hempel@pultegroup.com>, robin.engel@louisvilleky.gov <robin.engel@louisvilleky.gov>, triplett@ldd-inc.com <triplett@ldd-inc.com>, james.peden@louisvilleky.gov <james.peden@louisvilleky.gov>, Paula Miles <33sandp@gmail.com>
Subject: Re: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

Mr. Talbott,

I appreciate the reply, but first, I am not sure copying in three (3) government contacts with my correspondence constitutes "so many" government officials as you say.

Second, yes, as I stated, I knew you would argue who was aware of the development zoning meeting. But in my conversations with neighbors, many stated they knew nothing of the meeting, let alone a proposed development next to them. I am taking them at their word.

Next, regarding your query about the possibility of those surveyed being outside of the notification zone; based on the map you provided, I see that none of the addresses I surveyed, and who signed the request for the fence, are outside

the notification zone. Everyone I surveyed signed the request. You have all the addresses, you could have looked them up.

Lastly, again, I've acknowledged no promises were made on fence installation, but it was evident from Mr. Hempel it is a possibility and could be accomplished with discussion.

Paula Miles

Sent from my iPad

On Nov 21, 2022, at 3:05 PM, John Talbott <John@bardlaw.net> wrote:

Dear Paula and Steve, thank you for acknowledging the misunderstanding on the fence matter. Since you copied in so many government officials, I wanted to make sure everyone was clear no such agreement had been made on behalf of Pulte. Additionally, in response to your comment about certain folks not getting notice, please see the attached map of who we sent notice of the meeting. We take proper notice very seriously, but perhaps some of the folks you mention were outside the required notice list. Best regards, jt

From: Paula And Steve <33sandp@gmail.com>

Date: Monday, November 21, 2022 at 1:28 PM

To: John Talbott <John@bardlaw.net>

Cc: Dante.St.Germain@louisvilleky.gov <Dante.St.Germain@louisvilleky.gov>, dan.hempel@pultegroup.com <dan.hempel@pultegroup.com>, robin.engel@louisvilleky.gov <robin.engel@louisvilleky.gov>, triplett@ldd-inc.com <tripllett@ldd-inc.com>, james.peden@louisvilleky.gov <james.peden@louisvilleky.gov>, Paula Miles <33sandp@gmail.com>

Subject: Re: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

Resending due to formatting issues. Hopefully this one works.

Thanks, Paula Miles

John Talbott

November 18, 2022

Bardenwerper, Talbott & Roberts PLLC

1000 N. Hurstbourne Pkwy., 2nd Floor

Louisville, Ky 40223

John,

I appreciate your follow up phone call yesterday regarding our request for a privacy fence around the perimeter of the 9220 & 9224 Cedar Creek Road development. However, I am disappointed in the immediate dismissal and arguments made by yourself against the fence. I believe our request is still valid and a fence is needed as requested by myself and neighbors surrounding the proposed development.

My response to your dismissal argument is this:

First, and foremost, in your reply email to me dated 11/16/2022 included below, you state I was “inaccurate” about, and “misunderstood”, comments made about the construction of a fence from your client. I disagree to an extent. I fully understood Mr. Hempel’s response to our request of a fence as something that the developer would consider and discuss with us and could be accomplished. Maybe I should have rephrased that better in my correspondence with you and your client, Pulte Group, and specifically Mr. Hempel, who I have not heard from. We understand there was no promise made, but regardless of your stance and interpretation of what transpired at the meeting, the installation of the fence is still strongly wanted and requested by us and those signatory to our request sent to you and your client. In addition, “everyone” as you mention in your email, does not include all those who signed the petition who were not at the zoning meeting. Many of those I surveyed claimed they knew nothing of the meeting and were never notified. I’m sure you’ll argue that.

Second, installation of the fence we propose would not damage or destroy, as you say, mature trees adjoining the proposed development. The only way the trees would be jeopardized is with careless installation of the fence by hired development contractors, i.e., unnecessary large construction equipment traffic over existing tree roots, careless post hole digging, etc. I’m sure your client only hires reputable, professional contractors, or in-house personnel, that would ensure tree integrity.

Next, in my phone conversation with you yesterday, you questioned the reasonability of installing a fence along the new development perimeter giving that any new development adjacent to property would necessitate the removal of that fence for construction of that development. Future fence status would be determined by any future developer and then current landowners I would think, your client or not. I’m not aware of any new or proposed developments adjacent to the development you are representing. If you are referring to the property owned by my parents and that of their son and wife, there are no plans, near term and much longer, of selling for development. Thus, a newly constructed fence would provide long-term security and privacy. Also, any fence erected between your proposed development and those existing multi-housing developments would never be taken down once erected as a result of non-adjacent future development. I understand your client would bear those costs now, but obviously pass on to the development lot buyers. I’m sure you’ll argue that this incremental costs for a fence will make the lot price unattainable for those looking to purchase and minimize profits for your client. But, in our conversation yesterday, you did exclaim a large need and demand for housing within the Louisville Metro area that this development would help meet. With that, I doubt the small added cost of a fence would prohibit interested buyers from wanting to purchase a fantastic home in a great location with added security and privacy. As an alternative, your client could absorb most, or all of those costs, as you know.

Any future disposition of a fence installed now is irrelevant, sunk cost. The future developer would have a choice on demolition need. Those costs would be on that developer and recovered in the negotiated undeveloped land price. I would think that those buying lots in any future adjacent development would appreciate and like to keep the fence, a potential selling point. So, secure and keep neighbors private now!

Lastly, yes, the drainage topic was thoroughly discussed at the zoning meeting. As best I can tell

right now, it is being addressed appropriately. The neighbors expressed their drainage concerns in my conversations with them without prompting or preface, thus passing along that, and other concerns documented, to you and others.

I understand, and expected, your response and stance to the privacy fence request. However, I disagree with your arguments against our fence proposal. I, along with family and neighbors, fully intend to push and be present at all available public meetings/hearings regarding this matter.

Thank you for your consideration,

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Derek Triplett triplett@ldd-inc.com

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The issue of drainage was also very thoroughly discussed, with Land Design and Development explaining the grading and storm drainage measures being taken.

If you would like to discuss any of these or other issues further, or if you have any other questions, please feel free to call me.

With best regards,



Land Law

John C. Talbott

Bardenwerper Talbott & Roberts, PLLC
Office 502-426-6688
Cell 502-741-8783

From: Paula & Steve <33sandp@gmail.com>
Date: Wednesday, November 9, 2022 at 11:38 AM
To: dan.hempel@pultegroup.com <dan.hempel@pultegroup.com>
Cc: Dante.St.Germain@louisvilleky.gov <Dante.St.Germain@louisvilleky.gov>, robin.engel@louisvilleky.gov <robin.engel@louisvilleky.gov>, John Talbott <John@bardlaw.net>, triplett@ldd-inc.com <triplett@ldd-inc.com>, james.peden@louisvilleky.gov <james.peden@louisvilleky.gov>, Paula & Steve <33sandp@gmail.com>
Subject: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

Pulte Group
10350 Ormsby Park Pl
Suite 103
Louisville, Ky 40223-6172

Re: Case number: 22-ZONEPA-0112
Dan Hempel

November 9, 2022

Mr. Hempel,

My name is Paula Miles and I met you on October 4th at the neighborhood Zone Change and Preliminary Planning meeting for the 9220 & 9224 Cedar Creek Road proposed development. At that meeting I brought for the installation of a privacy fence around the proposed development. Your response to that request could be accomplished. The purpose of this letter is to formally request a six (6) foot Maintained privacy fence boards facing outward, and with no gates or entry points. This will help with some of our privacy and security regarding the development.

I have surveyed and contacted immediate neighbors around the proposed development and am attaching names and addresses requesting the same privacy fence. In addition, my conversations with adjacent neighbors the following concerns:

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- Privacy and security for adjacent homes. Nothing stopping trespassing on neighbor's property
- Building homes on or near sinkholes on the proposed development property and the property the consumer who purchases the homes in the future.

As the development progresses, I would like to have continuing conversations about this request and identify

Thank you for your consideration.

Paula Miles (Agent for 9218 Cedar Creek Road)

502-554-0790

33sandp@gmail.com

cc

John Talbott john@bardlaw.net

Derek Triplett triplett@ltd-inc.com

Dante St. Germain Dante.St.Germain@louisvilleky.gov

Hon. James Peden james.peden@louisvilleky.gov

Hon. Robin Engel robin.engel@louisvilleky.gov

St Germain, Dante

From: Paula And Steve <33sandp@gmail.com>
Sent: Monday, November 21, 2022 1:28 PM
To: John Talbott
Cc: St Germain, Dante; dan.hempel@pultegroup.com; Engel, Robin; triplett@ldd-inc.com; Peden, James; Paula Miles
Subject: Re: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

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November 18, 2022

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With best regards,



Land Law

John C. Talbott

Bardenwerper Talbott & Roberts, PLLC

Office 502-426-6688

Cell 502-741-8783

From: Paula & Steve <33sandp@gmail.com>

Date: Wednesday, November 9, 2022 at 11:38 AM

To: dan.hempel@pultegroup.com <dan.hempel@pultegroup.com>
Cc: Dante.St.Germain@louisvilleky.gov <Dante.St.Germain@louisvilleky.gov>, robin.engel@louisvilleky.gov <robin.engel@louisvilleky.gov>, John Talbott <John@bardlaw.net>, triplett@ldd-inc.com <triplett@ldd-inc.com>, james.peden@louisvilleky.gov <james.peden@louisvilleky.gov>, Paula & Steve <33sandp@gmail.com>

Subject: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

Pulte Group
10350 Ormsby Park Pl
Suite 103
Louisville, Ky 40223-6172

Re: Case number: 22-ZONEPA-0112
Dan Hempel

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Dante St. Germain Dante.St.Germain@louisvilleky.gov
Hon. James Peden james.peden@louisvilleky.gov
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St Germain, Dante

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Sent: Wednesday, November 16, 2022 9:16 PM
To: Paula & Steve; Paula & Steve
Cc: St Germain, Dante; dan.hempel@pultegroup.com; Engel, Robin; triplett@ldd-inc.com; Peden, James
Subject: Re: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112

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Subject: 9220 & 9224 Cedar Creek Road Development - Case Number 22-ZONEPA-0112
Attachments: Case 22-ZONEPA-0112.pdf

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Hon. Robin Engel robin.engel@louisvilleky.gov

Proposed Development - 9220& 9224 Cedar Creek Road
22-ZONEPA-0112

Privacy Fence Installation Request

Signing this form indicates my desire and request for developer, **Pulte Group**, to install a privacy fence around the perimeter of the proposed development to increase, and maximize, privacy and security for adjacent properties.

Name	Address
Matt + Sheila Sanpers	9116 CEDAR CREEK RD. 40291
Paul + Gaele Miles	9218 Cedar Creek Rd 40291
Chris + Doreen Miles	7330 Mayrow Drive 40291
Samuel Mosley	8901 Amarth. Dr. 40228
Aaron Bridge / Jenny	10102 Hornbeam Blvd 40228
Scott Watson	10104 Hornbeam Blvd. 40228
ANDREY KITENGE	10108 HORNBEAM BLVD 40228
STEVE SURATT	10112 HORNBEAM BLVD 40228
DIANA HARTMAN	10116 HORNBEAM BLVD 40228
Casey Johnson	10118 Hornbeam Blvd 40228
Christy May	10124 Hornbeam Blvd 40228
Tiffany Boston	8919 meadow sweet way 40228
Kerry Ball	8917 meadow Sweet Way 40228
Eric Fox	10110 Hornbeam Blvd.
Alex Thompson	9300 Cedar Creek Rd
Ashley Thompson	9504 Cedar Creek Rd
Janet + Sam Ogle	9306 Cedar Creek Rd.
Ray + Brenda Provost	9216 Cedar Creek Rd
Holly Goodman	9205 cedar creek Rd
Lukas VanZandt	8900 Amaranth Dr.
Jake Smith	8900 Amaranth Dr.
Art Rodriguez	10166 Hornbeam Blvd. 40228
Leid Shindt	8923 meadow Sweet way 40228

Proposed Development - 9220 & 9224 Cedar Creek Road
22-ZONEPA-0112

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Name	Address
LEON BROWN	8921 meadow sweet way
Bill Sykes	9203 Cedar Creek Rd Louisville Ky 40291

Case No. 22-ZONE-0149 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Cedar Creek Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. If necessary, the dedication can be shown on the record plat.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
9. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. The applicant shall install signs, approved by the Metro Public Works

Dept., which indicate the future extension of the public right of way for "Proposed Amaranth Drive". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
15. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
16. The signature entrance shall be submitted to the Planning Commission staff for review and approval.
17. A four-board horse fence shall be provided along the Cedar Creek Road frontage (Lots 1 – 4). Maintenance of the fence shall be the responsibility of the developer, until such time as control of the Homeowners' Association is turned over to the homeowners, at which point maintenance responsibility shall transfer to the HOA.

NOTES

- GENERAL**
- No lots shown hereon may be subdivided or resubdivided resulting in the creation of a greater number of lots than originally approved by the planning commission.
 - Construction fencing shall be erected at the edge of the limits of disturbance areas prior to any grading or construction activities. The fencing is to remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.
 - A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and USPA Soil Conservation Service recommendations.
 - All open space lots are non-buildable and will be recorded as open space and utility easements.
 - Benchmark and topographical information shown hereon were derived from LoJc data.
 - Boundary information was taken from deeds.
 - Regarding Benchmark data, topographical information shown hereon was derived from loJc data.
 - Compatible on-site utilities, (electric, phone, cable) shall be placed in a common trench unless otherwise required by appropriate agencies.
 - Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
 - Street trees shall be planted in a manner that does not affect public safety or hamper sight distance. Final location will be determined during construction approval process.
 - A sign will be placed at street home buyers of the potential for future development and expansion of pavement or curb.
 - The minimum driveway length is 25 ft from garage or building facade to back of sidewalk or edge of pavement or curb.

- SEWER & DRAINAGE**
- Runoff from this development must be conveyed to an adequate public outlet.
 - No portion of the site is located in a floodplain per FRM map 21111 C 013 E dated December 5, 2006.
 - Sewers by L. E. and subject to all applicable fees.
 - Extension of MSD storm water boundaries may be required.
 - A "Request for Sanitary Sewer Capacity" has been filed with MSD.
 - All proposed sewer and drain easements shall be 15' unless otherwise indicated.
 - The Louisville Water Company will determine the width of their easement prior to construction plan approval.
 - On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for 2,10,25, and 100 year storms or to the capacity of the down-storm system, whichever is more restrictive.
 - Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications and other local, state and federal ordinances.
 - The final design of this project must meet MS4 water quality regulations established by MSD. Site specific may change at the design phase due to proper siting of Green Best Mgmt. Practices.
 - An EPC plan shall be developed and approved in accordance with MSD Design Manual and Standards Specifications prior to construction plan approval.

- STREETS & SIDEWALKS**
- All roads within the development shall have curb and gutters, C&G-de-secs shall have a pavement width of 20 feet with a radius of 35 feet of C&G-de-secs. All other roads shall be 24 feet in width with a 25 foot radius of intersection.
 - Sidewalks within the subdivision shall be provided in accordance with Table 6.2.1 of the Land Development Code.
 - Street grades shall not be less than 1% (Min.) or 10% (max.).
 - A Bond & Encroachment Permit is required by Metro Public Works for all work within the ROAD Right-of-Way and for roadway approaches on all surrounding access roads to the subdivision site due to damages caused by construction traffic.
 - Verges shall be provided as required by Metro Public Works.
 - All streets, intersections, loop roads, cul-de-sacs, bulbs, traffic circles and rights-of-way shall be in accordance with the Development Code and Metro Public Works' standards and approved at the time of construction.
 - All street name signs shall conform with the MUTCD requirements and shall be installed prior to the recording of the applicable subdivision plat or prior to obtaining the first certificate of occupancy and shall be in place at time of bond release.
 - The location and type of plantings within the street right-of-way will be evaluated for roadway safety and sight distance requirements by Metro Public Works which reserves the right to remove them without the property owner's approval.
 - Should any existing drainage structures and/or utilities located within offsite rights-of-way become necessary to be altered, extended or relocated, such shall be at the owner's/developer's expense.
 - A Bond and Encroachment Permit will be required by Metro Works for roadway repairs within the site due to damage caused by construction traffic activities.
 - All roadway intersections shall meet the requirements for landing areas as set by Metro Public Works.
 - Right-of-Way dedication shall be recorded as part of the required record plat.

PROJECT DATA

TOTAL SITE AREA	= 12.35± Ac. (537,920 SF)
TOTAL AREA OF ROW	= 2,08± Ac. (90,660 SF)
R/W DEDICATION AREA	= 0.19± Ac. (8,314 SF)
NET SITE AREA	= 10.08± Ac. (436,926 SF)
EXISTING ZONING	= R-4
PROPOSED ZONING	= NEIGHBORHOOD
EXISTING USE	= R-4
PROPOSED USE	= SINGLE FAMILY RESIDENTIAL
TOTAL # RESIDENTIAL LOTS	= 44
TOTAL AREA OF LOTS	= 360,425 SF
GROSS DENSITY	= 3.62± DU/AC. (7.26 MAX. ALLOWED)
NET DENSITY	= 4.60± DU/AC. (7.26 MAX. ALLOWED)

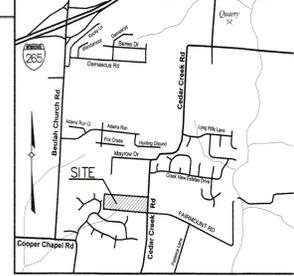
R-5 REQUIREMENTS

MINIMUM LOT AREA	= 6,000 SF
MINIMUM LOT WIDTH	= 50'
MIN. FRONT YARD & STREET SIDE YARD	= 15' TO FRONT FACADE / 25'
MINIMUM SIDE YARD	= 5'
MINIMUM REAR YARD	= 25'
MAX. BUILDING HEIGHT	= 35'

* Garage Doors facing street

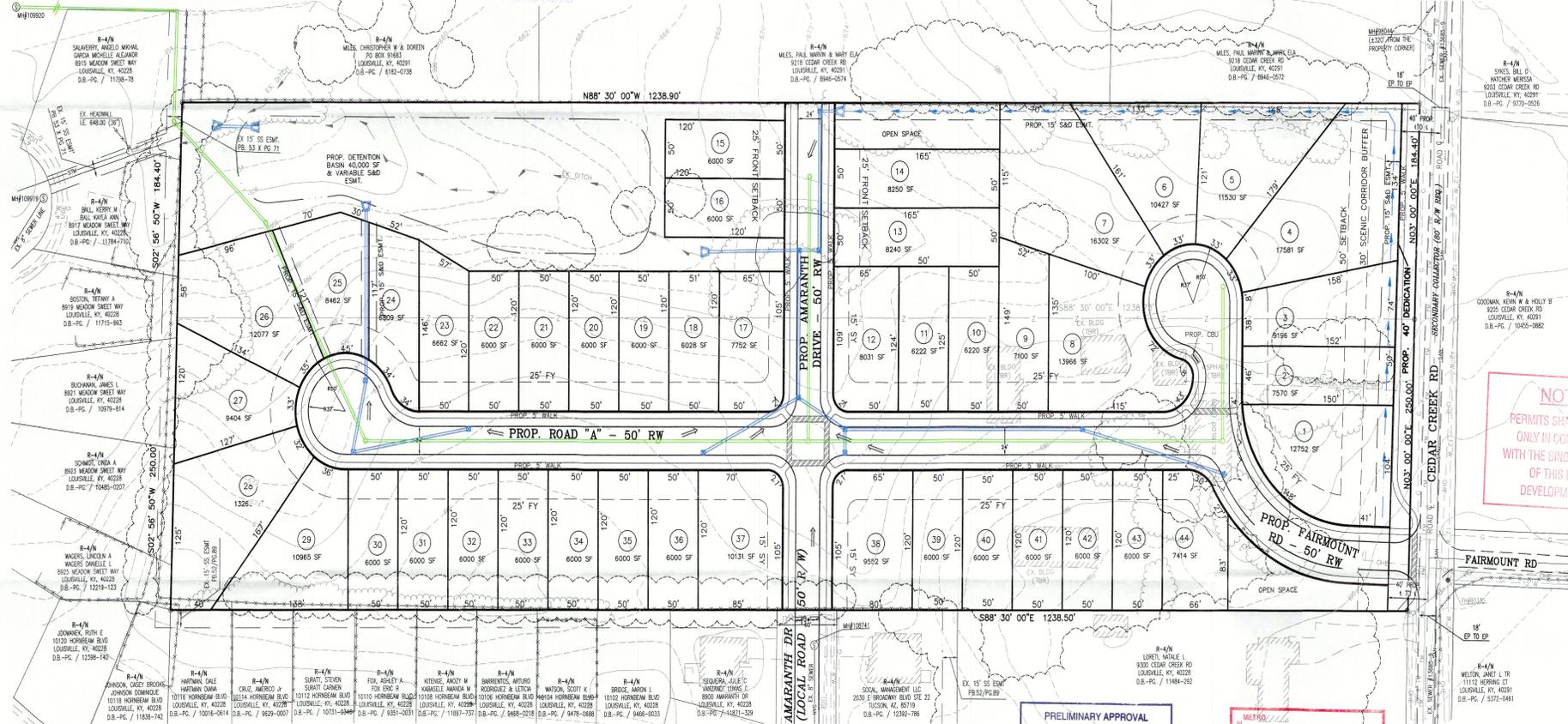
WAIVER REQUEST:

- A Waiver is requested from Section 7.3.30.E of the Louisville Metro Land Development Code to allow drainage easements to overlap the rear yard by more than 15%.



PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS

DATE: 02/02/2023
BY: [Signature]
LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT



DETENTION BASIN CALCULATIONS

X = 4 CRA/12
 AC = 0.50 - 0.23 = 0.27
 A = 12.4 ACRES
 R = 2.9 INCHES
 X = (0.27)(12.4)(2.9)/12 = 0.81 AC.-FT.
 REQUIRED X = 35,283 CU.FT.
 PROVIDED BASIN = 40,000 CU.FT.

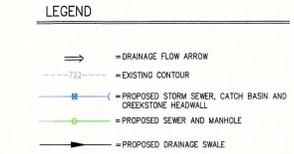
TOTAL = 40,000 SQ.FT. @ APPROX. 1 FT. DEPTH = 40,000 CU.FT. > 35,283 CU.FT.

TREE CANOPY CALCULATIONS

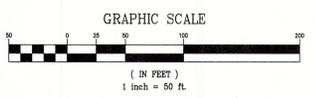
TOTAL SITE AREA	= 537,920 S.F.
EXISTING TREE CANOPY AREA	= 9% (52,321 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 0% (0 S.F.)
TOTAL TREE CANOPY AREA REQUIRED	= 40% (215,168 S.F.)
TOTAL TREE CANOPY AREA TO BE PROVIDED	= 40% (215,168 S.F.)

BENCHMARK DATUM

TBM Railroad spike in a utility pole located on the west side of Cedar Creek Road, approximately 50' south of Fairmount Road. Elevation = 692.49 (NAVD 88)



NO.	DATE	REVISIONS	BY
1.	10/17/22	REVISED PER AGENCY COMMENTS	JH



PRELIMINARY APPROVAL

Condition of Approval: _____

Michelle H. H. H. H. H. 1/8/23
Development Reviewer Date

LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

METRO
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 22-ZONE-0149
APPROVAL DATE: March 2, 2023
EXPIRATION DATE: _____
SIGNATURE OF PLANNING COMMISSION

NOTICE
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

RECEIVED
JAN 17 2023
PLANNING & DESIGN SERVICES

PULTE CEDAR CREEK ROAD
PRELIMINARY SUBDIVISION PLAN

OWNER:
WENDELL E THOMASSON REV LIVIN
301 DEACON TRACE
TAYLORSVILLE, KY, 40071

SITE ADDRESS:
9224 & 9220 CEDAR CREEK RD
LOUISVILLE, KY 40291

**TAX BLOCK 0864, LOT 133 & 132
D.B. - PG. / 9677-0259**

DEVELOPER:
PULTE GROUP
10350 ORCHARD PARK PLACE, SUITE 103
LOUISVILLE, KY 40263

**COUNCIL DISTRICT - 22 & 23
FIRE PROTECTION DISTRICT - FERN CREEK & HIGHVIEW
MUNICIPALITY - LOUISVILLE**

PREPARED BY:
LAND DESIGN & DEVELOPMENT, INC
503 WASHINGTON AVENUE, SUITE 101
LOUISVILLE, KENTUCKY 40202
PHONE: (502) 426-9274
FAX: (502) 426-9276

**JOB#: 22038
WM# 12492
DATE: 10/04/22
CASE #22-ZONE-0149**



Louisville Metro Government

Master

File Number: O-056-23

File ID: O-056-23

Type: Ordinance

Status: New Business

Version: 1

Reference:

In Control: Planning and Zoning Committee

File Created: 03/20/2023

File Name: 22-ZONE-0149

Final Action:

Title: **AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149).**

Internal Notes:

Agenda Date: 04/11/2023

Sponsors: Primary Madonna Flood (D-24)

Enactment Date:

Attachments: O-056-23 V.1 041323 Zoning at 9220 & 9224 Cedar Creek Road.pdf, 22-ZONE-0149_PC Min_03.02.23.pdf, 22-ZONE-0149_LDT Min_01.26.23.pdf, 22-ZONE-0149_staff rpts.pdf, 22-ZONE-0149_legal desc.pdf, 22-ZONE-0149_Appl Justification Stmt.pdf, 22-ZONE-0149_Applicant Pres.pdf, 22-ZONE-0149_citizen comments.pdf, 22-ZONE-0149_Plan_03.02.23.pdf

Enactment Number:

Contact:

Hearing Date:

Entered by:

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	4	3/21/2023	Zoning-COA	Approve	4/3/2023
1	6	3/21/2023	Andrea Derouen	Approve	3/23/2023
1	7	3/21/2023	Metro Clerk's Office	Approve	3/23/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File O-056-23

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

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. 22ZONE0149; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0149 and approves and accepts the recommendation 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 zoning of the properties located at 9220 and 9224 Cedar Creek Road containing approximately 12.35 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0149, is hereby changed from R-4 Single Family Residential to R-5 Single Family Residential; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0149.

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: _____

O-056-23- Zoning at 9220 & 9224 Cedar Creek Road (lf)

ORDINANCE NO. 051, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9220 AND 9224 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 12.35 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0149). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

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. 22ZONE0149; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0149 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

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 properties located at 9220 and 9224 Cedar Creek Road containing approximately 12.35 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0149, is hereby changed from R-4 Single Family Residential to R-5 Single Family Residential; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0149, with the following additional binding element:

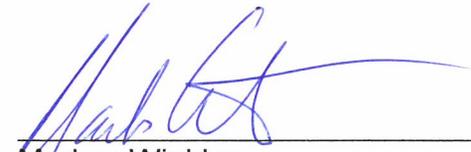
18. Any increase in density on the property, any changes in use on the property which directly or indirectly require a public

hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

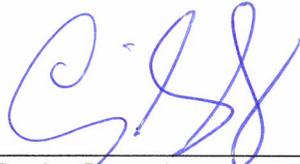
SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council



Craig Greenberg
Mayor

May 23, 2023

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
READ AND PASSED
May 11, 2023

By: 