

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

<u>Applicant:</u>	Highgates Development
<u>Owners:</u>	Walton Investments, LLC
<u>Project Name/Location:</u>	8000 Broad Run Road
<u>Proposed Use:</u>	Single family residential subdivision
<u>Request:</u>	Zone change from R-4 & RR to PRD
<u>Engineers, Land Planners, Landscape Architects:</u>	Mindel Scott & Associates, Inc.

INTRODUCTION

This “Planned Residential District” (PRD) community of 370 proposed residential building lots is proposed by a company that in recent years has become increasingly active in the Louisville market building communities dedicated to the entry-level and middle-income markets, where demand appears to outpace supply for both new for-sale and new rental product. The Fern Creek area remains one of Louisville’s prime growth areas for development because of these other factors: (a) the availability of significant sized tracts of land available for development that are served by sanitary sewers, which MSD spent taxpayer money to accommodate environmentally positive growth; (b) the presence of readily accessible significant and growing retail activity; and (c) proximity to arterial (e.g., Billtown Road, Bardstown Road) and interstate highway (I-265) highway systems which move traffic to and from major employment centers.

PLAN ELEMENT 4.1: COMMUNITY FORM

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

As to Goal 1 and its applicable Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 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 permits low to high density and intensity uses and a range of housing opportunities, which this “planned residential development” proposes. Proposed density will remain in the low (4 dwelling units per acre) range, even though middle density development is contemplated by the PRD regulation. By maintaining density in the defined “low” range, even though a rezoning is required to achieve the proposed PRD plan, compatibility with existing densities, home designs and both frontage and nearby collector road capacities is assured. As such, this proposed zoning district will not exceed

the density levels of the R-4, single-family district. Land Development Code (LDC) height, sidewalk, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will all be met.

Also, this proposal is only short drives from sizable and growing commercial activity centers along Bardstown Road in the Fern Creek area and west along Billtown and Taylorsville Roads in the Jeffersontown area. It is also relatively short distances from schools in both Fern Creek and Jeffersontown and travel distances for purposes of going shopping and attending school are reduced. Likewise, as stated above, the nearby and readily accessible Bardstown and Billtown Road arterial road systems, plus I-265, assure easy access to employment centers, thereby contributing to improved air quality.

The quality builders anticipated in this planned community and the traditional style and design of their anticipated construction assure compatibility with adjoining and nearby large lot and more typically sized home communities. Also, tree preservation in areas of existing protected waterways and landscaping along the property perimeters help assure environmental and locational appropriateness for the neighborhood and compatibility with adjoining residential uses.

As a consequence of what surrounds this proposal and the fact that this is a proposed residential community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. As a residential community itself, there is no reason to expect this planned residential community would be designed with the kinds of negative impacts that would ordinarily harm the quiet enjoyment of homeowners.

As to Goal 2 and its applicable Policies 1, 2, 3, 7, 8, 9, 13, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:

As said, this proposed PRD community is located in a Neighborhood Form District, proximate to already existing activity centers, schools and places of employment. It will develop otherwise vacant land, transitioning the grounds into compatible, residential lots that will further complement the character of the area. The development plan shall utilize external roads leading to and from the proposed development to other activity centers. These areas will benefit from greater demand generated by more housing such as that resulting from this proposed PRD development. Also, the proposed PRD development will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education along Bardstown, Billtown and Taylorsville Roads, that extend all directions from Snyder Freeway and connect via multiple collector level roads surrounding the proposed development.

As to Goal 3 and its applicable Policies 1, 2, 3, 6, 7, 8, 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 PRD community includes open natural and communal spaces for the passive aesthetic and active recreational use by residents. Those spaces will be maintained in perpetuity by the community association. The site is not in the floodplain and does not contain wet or highly

permeable soils. The plan avoids any steep or unstable slopes entirely. Furthermore, the zone change will not diminish natural resources, and it avoids any other significant change in topography. It will not cause any severe environmental changes or damage.

As to Goal 4 and its applicable Policies 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

There are no historic buildings or distinctive cultural assets on the site. The rezoning will continue to promote residential living without disturbance of any historical sites or important archeological resources. Therefore, it also continues its preservation of these components and many natural features of the site.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following applicable Policies.

As to Goal 1 and its applicable Policies 1 and 4; Goal 2 and its applicable Policies 1, 3, 4, 5, 6, 8 and 9; and Goal 3 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

This proposed PRD community (located as it is within an existing single-family residential area of both small-to-large lots within easy driving distances of existing activity centers, with good access off collector level streets, within short distances of arterial ones and thereby well-connected to schools, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good transportation networks. Locating its development along and with access to and from those networks, this developer will construct sidewalks and accessway improvements and cost-share to-be-determined, if necessary, off-site road improvements. Access to the site is through areas of residential development.

This proposed zone change will serve and fit with the transportation characteristics of the surrounding area. It will continue to assist a growing residential population by providing them with access and connectivity to nearby future activity and employment centers in the city. The property will continue to be in walking distance from other nearby residential areas and commercial activity, and will allow for different modes of transportation and allow for ease of transport for people with disabilities.

The proposal continues to encourage transportation patterns which support the Neighborhood Form District, in terms of encouraging safe residential access to and from the property to many side streets, arterials, commercial activity locations, and other residential areas. This proposal continues to be located near transit lines and is within a walkable neighborhood with sidewalks. This proposal would have no difference in impact on air quality or the transportation network, and no direct residential access to high-speed roadways is proposed.

Also, all drive lanes, sidewalks and stub connections 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. Also, a Traffic Impact Study (TIS) is being completed by Diane Zimmerman, P.E., and will soon be submitted in accordance with MPW&TP requirements. While TARC service is generally unavailable in areas like this, basic service is available along nearby Bardstown and Billtown Roads. Further, all necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following applicable Policies.

As to Goal 2 and its applicable Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

This proposal is not a community facilities plan, but is located in an area currently served by existing infrastructure. Furthermore, it possesses an adequate supply of potable water and will therefore continue to provide sufficient water for fire-fighting and other purposes. It will continue to have access to sewers so as to not burden existing or future community facilities. Elementary and Middle Schools are located at Bardstown and Billtown Road locations proximate to this proposed PRD community, as are Jeffersontown and Fern Creek High Schools. Fire service from Jeffersontown and Fern Creek are also located relatively close by.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following applicable Policies.

As to Goal 2 and its applicable Policy 1, it complies as follows, in addition to the other ways set forth above and below:

This overall development plan enhances the quality of life in the area by developing a community that will improve the overall aesthetic, and protect and improve the economic value of surrounding areas by assisting the economic viability of those activity centers. The development will further serve as a facilitator for job creation, housing the workforce near these market centers. As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed PRD community is part of a developer response to that demand, and as such, it both stabilizes and offers increased opportunities for employment in all associated industries. It also increases the Metro Louisville 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 applicable Policies.

As to Goal 1 and its applicable Policies 2, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, it complies as follows, in addition to the other ways set forth above and below:

The DDDP filed with this application contemplates that storm water run-off can be accommodated

in the manner proposed by MSD. On-site detention will be implemented to further control any issues with run-off. Water quality control measures under authority of MSD regulations governing same will also be implemented as part of construction of this development project. Similarly, MSD regulated measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. Floyds Fork and other nearby regulatorily protected waterways will also be safeguarded as a consequence of this development project's observance of 100-foot streambank setbacks.

Sanitary sewer service is available at the nearby Cedar Creek regional wastewater treatment plant, which can be accessed via lateral extension to and from an existing nearby manhole.

As mentioned above, given the location of this proposed PRD community near large existing and expanding activity centers along Bardstown, Billtown and Taylorsville Roads, and given relative proximity of this proposed PRD community as well to schools and employment centers, as also referenced hereinabove, air quality impacts will be minimized because vehicle miles travelled are reduced.

The proposed rezoning and development will incorporate numerous policies and features that all support the natural character of the land, including greenspaces and a tree canopy that will encourage growth of many native plant species. The plan also promotes pedestrian and bicycle connectivity while not creating large amounts of unnecessary traffic for the area, therefore keeping carbon emissions to a minimum. It will continue to deal with any impacts to drainage associated with the site, therefore accounting for the increased impervious surface. All requirements will be followed, as systems will be implemented to further protect groundwater and any other natural water sources. Landscaping will be added where necessary and required under the Land Development Code to reduce the impact of the site to nearby residential uses.

As to existing natural features including waterways, floodplain and steep slope areas and those with other environmental constraints or valuable topographic features, it's evident on the DDDP filed with this application that ample open space is preserved where these features plainly exist and will therefore remain protected.

Residents of this subdivision will be able to enjoy the amenities of the Broad Run Park portion of the Parklands of Floyds Fork with its biking and hiking trails, fishing, playground, paddling, plus other activities with the proximity of the park to the subdivision.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following applicable Policies.

As to Goal 1 and its applicable Policies 1, 2 and 3; Goal 2 and its applicable Policies 1 and 2; and Goal 3 and its applicable Policies 1, 2, 3 and 5, it complies as follows, in addition to the other ways set forth above:

By bringing additional brand new, diverse and high quality housing to the Fern Creek area, this development will further assist the city with its current housing shortage. This proposal will help

diversify housing options for the population. It will also be suitable for an aging or elderly segment of the population, as well as those with disabilities, as it will be located near major activity centers and promote ease of access and travel. The development creates housing options for a mixture of residents. The prime location of this residential area near other residential zones will help solidify the area's prominence in the city and will likely serve to attract additional services and commercial activity to the area to support the growing residential base. No existing residents will be displaced by the proposal. It will implement design elements which promote safety and incorporate increased visibility for deterrence of any criminal activity.

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 application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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