

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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## **STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN AND JUSTIFICATION AS RESPECT FLOYDS FORK DEVELOPMENT REVIEW OVERLAY GUENIDELINES**

Applicant: Redwood Acquisitions, Inc.

Owner: Gina & Darrel Nice

Location: 10509 Bardstown Bluff Road

Proposed Use: Multi-family residential community

Engineers, Land Planners and  
Landscape Architects: Mindel Scott & Associates

Requests: Change in Zoning from RR to R-5A

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### **GUIDELINE - 1 COMMUNITY FORM**

Redwood Acquisitions, Inc. ("Redwood") proposes a residential patio home-style community, consisting of 135 patio home-style homes on 34.35 +/- acres along the east side of Bardstown Road near the intersection of Bardstown Bluff Road.

The subject property lies within the Neighborhood Form District and is located just south of the intersection of Bardstown Road and Bardstown Bluff Road. The site's location provides opportunities for this anticipated empty-nester community of residents to gain easy access to the new Parklands of Floyds Fork Park that addresses an essential goal of the Parklands project, which is to provide easy walking and biking access to all demographic and income groups to the new park. Also this community near Bardstown Road ensures easy access to Bullitt County to the south and to the Gene Snyder Freeway and the Fern Creek Town Center to the north. This proposal will provide this area with new, attractive housing choices for residents who desire to live in a community that is a maintenance-free patio home-style, for-lease living environment. Major commercial land uses in close proximity to the subject property also include the Bardstown Road commercial corridor south of the Snyder Freeway. The expansion of services and infrastructure in the south Fern Creek area makes this area extremely popular, as demonstrated by the success of the many Glenmary area developments.

Redwood proposes patio home-style homes, one-story, without basement but each with a garage. Gross density of 3.93 dwelling units per acre (within the low density range). Buildings will be constructed of attractive durable building materials (brick and "duralast" lap siding) and will feature architectural details similar to those in other nearby residential neighborhoods.

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Perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC). These features will screen and buffer resident activities from adjoining property owners.

### **GUIDELINE – 2 CENTERS**

The proposed community conforms with the overall Intents of and specifically with Policies 4, 5, 12 and 14 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in an extremely popular area where residents currently seek new housing options that have easy access to the Bardstown Road commercial center. Future residents will also support the businesses and services in nearby activity centers north and south of the Snyder Freeway along Bardstown Road.

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### **GUIDELINE – 3 COMPATIBILITY**

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The proposed community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed community is in a low density range comparable to other R-4 residential communities. Buildings will be one-story in height and constructed with attractive building materials comparable to residential communities in the area. Perimeter landscaping, screening and buffering is provided along all property lines. Buildings are oriented toward internal streets, and garages and driveways are in the fronts of each building, in order to keep resident activities away from adjoining properties.

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Sidewalks will be provided where required, and accommodations will be made for pedestrian and bicycle transportation as well as the handicapped and elderly. Odor and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a low density residential development and that internal road and sidewalk are efficiently organized to control traffic flow and prevent delays. Refuse will be picked up on a regular basis. Lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations. All signage will be in conformance with Land Development Code regulations.

### **GUIDELINES – 4 and 5    OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

The proposed community conforms with the overall Intents of and specifically with Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature significant open space interspersed among the buildings, parking areas and streets. That open space plus the significant open area along Floyds Fork will be available for the passive recreational enjoyment by residents and will serve to provide natural areas and an overall positive appearance for the community. Landscaping will also be provided along property perimeters, along street frontages and around buildings. Setbacks and buffers along property lines will ensure good transitions between the proposed community and existing land uses. Maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this for-lease community. This maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision.

### **GUIDELINE – 6 MARKETPLACE**

The proposed community conforms with the overall Intents of and specifically with Policies 1, 2 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around nearby activity centers. This proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services. The community, as proposed, will have easy access to Bardstown Road and I-265 and several other roads in the area, and from there to the Parklands of Floyds Fork and to greater Louisville employment and commercial centers.

### **GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and 9 (BICYCLE, PEDESTRIAN AND TRANSIT)**

The proposed community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed Detailed District Development Plan (DDDP) has been designed in conformance with all Metro Public Works and Transportation Planning design policies. Good internal circulation, appropriate access, sight distances, corner clearances and parking are provided. Bardstown Road has more than adequate traffic-carrying capacity. Sidewalks will be provided where required.

### **GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY and AIR QUALITY**

The proposed community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, although a portion of the site lies within the 100 year floodplain, MSD Floodplain regulatory requirements for cut, fill and compensation. All drainage will comply with storm water management requirements, and this DDDP will receive preliminary approval by MSD prior to docketing for LD&T review. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction. MSD water quality regulatory requirements will also be addressed. Air quality will remain at good levels because, as noted above, this is a low density development with easy access to major roads and the Parklands at Floyds Fork.

### **GUIDELINE 13 – LANDSCAPE CHARACTER**

The proposed community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided around buildings, along the Bardstown Road entrance and frontage, along internal streets, and along property perimeters as noted above. Significant open space has been preserved for a positive natural appearance and for passive recreational enjoyment by residents. Tree canopy requirements have been met, as noted on the DDDP.

### **GUIDELINE 14 – INFRASTRUCTURE**

The proposed community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric and phone connections are available by nearby connection to ensure a reduced cost for infrastructure.

**FLOYDS FORK DEVELOPEMNT OVERLAY REVIEW GUIDELINES**

This proposal for a patio home-style community in the vicinity of Floyds Fork meets or exceeds all the Floyd's Fork DRO guidelines concerning residential development.

Filling is proposed in the floodplain, but regulatory compensation will be provided.

There will be no homes located on or near 20% or greater slopes, and grading and soil compaction should not affect preserved areas. Significant open space is retained.

Because of the sizable distance of this site from this community of Floyds Fork, the quality of surface water leaving this site and entering the Fork will remain acceptable. Sanitary Sewers will be provided.

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For all these reasons those set forth in the applicant's detailed Statement of Compliance with the Cornerstone 2020 Comprehensive Plan, and as evidenced by the DDDP and other evidence submitted with this application and to be presented at LD&T and Planning Commission meetings, the proposed community complies with the specific Intents, Policies and Guidelines of Comprehensive Plan and the Floyd's Fork DRO Guidelines.

Respectfully submitted,

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Louisville, KY 40223

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.9.2.A.1.a.v to not provide a pedestrian path connection to the adjacent 21<sup>st</sup> Century Parks lot to the south.

Explanation of Waiver:

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1. The waiver will not adversely affect adjacent property owners because this waiver is applied for pursuant to request of Metro Parks, which is involved with the Parklands of Floyds Fork along the south property line where this waiver is requested.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.

3. The extent of the waiver is the minimum necessary to afford relief to the applicant because it is not asking for other connectivity waivers apart from this one advised by Metro Parks, and a sidewalk connection along Bardstown Road to the future access to the Parklands of Floyds Fork is provided.

4. 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 because without this waiver the applicant's plan would conflict with the design preferences of Metro Parks.

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