

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