

# 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: Paul Donger

Owners: Sharon Strickland & David Strickland

Location: 4111 and 4113 Fern Valley Road

Current Zoning: R-4& R-5

Proposed Zoning: R-5A to allow a 44-unit apartment community

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

### **INTRODUCTION**

The zone change filed with this application is for a relatively small apartment community consisting of only 44-units. The subject site is an infill lot, surrounded on the east and west sides by Fern Valley Place and Shady Villa Subdivisions. Within each of these subdivisions, Dellafay Drive stubs into the proposed development. The applicant is proposing to connect these two stubs through the site to improve increased connectivity. This apartment community will add a diversity of housing to this bustling area and will support the many businesses in the Suburban Workplace to the south and west of the site. The development will utilize the existing tree canopy on the site to buffer the development from the adjoining neighborhoods.

### **PLAN ELEMENT 4.1: COMMUNITY FORM**

**This application 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, the application complies as follows, in addition to the other ways set forth above and below:**

The site is located in the Suburban Neighborhood Form District which is characterized by predominantly residential land uses that range from low to high density and that blend compatibility into the existing landscape and neighborhood areas. The proposed 44-unit, residential apartment plan fits this Form District perfectly. Proposed density at 9.28 dwelling units per acre is in the low end of the medium density range, and is a good infill development for this location, with good buffers and transitions from the nearby residential neighborhoods. At 2-stories high, with 12-units in one buildings and 16-units the other two buildings, the proposed development adds needed residential diversity to the housing stock in the area. The existing tree

canopy has been preserved where appropriate to provide good buffering between the apartments and the existing residential homes. All Land Development Code (LDC) restrictions and requirements with respect to building design, private street building frontages, building and parking setbacks, building heights, driveway lengths, open spaces, recreation areas, landscaping, tree canopy, parking minimums and maximums, lighting and signage will be met.

Also, located as this proposed apartment style apartment community is so close to sizable office-retail activity centers and churches and schools serving all grade levels, travel distances for purposes of work, shopping, worship, and school are reduced, and walking and biking become very real possibilities. This also helps contribute to improved air quality.

Proposed quality masonry components and traditional style and design of the planned apartment buildings, plus landscaping, screening and buffering beyond the bare minimums, will help assure compatibility with nearby single-family houses. Furthermore, as a residential community itself, these apartments are not designed with the kinds of negative impacts that might harm the quiet enjoyment of its own residents, since they surely merit protection from nuisances as well.

**As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, the application complies as follows, in addition to the other ways set forth above and below:**

As said, the proposed apartment community is located in a Suburban Neighborhood Form District, with nearby office, retail, institutional, and other large rental apartment buildings. Also, senior living and nursing home facilities are located nearby. As such, and with good and improving pedestrian and vehicular access along Fern Valley Road and with good street and sidewalk connections to many of the aforementioned uses, the proposed apartment style apartment community is part of a very large mixed use activity center that extends from the I-65 interchange to the west, to Shepherdsville Road to the east. Also, as such, it will add to the opportunities existing and planned in this medium to high density/intensity area to reside in close and convenient proximity to many places of employment, food, shopping, education and health care.

**As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, the application complies as follows, in addition to the other ways set forth above and below:**

The development plan for this relatively small apartment community includes a dog park, picnic area and recreational open space.

**As to Goal 4,** this site is not a historic one with any truly historic attributes or buildings.

**As to Goal 5,** this proposed apartment community site is not public enough to include an element of public art.

#### **PLAN ELEMENT 4.2: MOBILITY**

**This application 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, the application complies as follows, in addition to the other ways set forth above and below:**

This proposed apartment community (located as it is just north of a growing Suburban Workplace mixed use area proximate to large activity centers, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be next to and nearby several public and parochial schools, lots of restaurants, retail shopping that includes a large grocery, lots of office space, existing and planned health care facilities plus other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Locating this development along and near major arterial and collector level roads with good access to and from these uses, the applicant will, at its cost, construct frontage sidewalks. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

Proposed streets will be private and as such will be privately maintained.

Also, bike racks and handicapped parking spots will be installed as and where required. And all of its drive lanes, parking spaces and both internal and external connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the development plan filed with this application.

TARC service is generally available in this area, although few places outside of Louisville's urban core are served by TARC to the extent they perhaps should be. New apartments, like these apartments, will help justify possible improved TARC service if funds are available to do so.

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 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, the application complies as follows, in addition to the other ways set forth above and below:**

JCPS Elementary and Middle Schools are located nearby. Okolona Fire stations are located short distances away.

#### **PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT**

**This application complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies.**

**As to Goal 2, Policies 1 and 3, the application 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 Metro Louisville tax base essential to the provision of government services, especially important after the 2009-2014 Great Recession and recent COVID crisis. If Louisville and Kentucky are to economically rebound over time, especially from Covid's devastating economic setbacks, it will be because new growth opportunities are afforded, like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's recently troubled history.

#### **PLAN ELEMENT 4.5: LIVEABILITY**

**This application 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, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, the application complies as follows, in addition to the other ways set forth above and below:**

This application contemplates that storm water will be accommodated by virtue of an off-site basin that MSD will finally approve at construction plan review stage of development. Sanitary sewer service is available at the Derek G. Guthrie wastewater treatment plant. It can be accessed via lateral extension to and from existing nearby manhole.

Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed apartment community near one or several large existing and expanding mixed use activity centers, air quality impacts will be minimized because vehicle miles travelled are reduced.

#### **PLAN ELEMENT 4.6: HOUSING**

**This application 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, the application complies as follows, in addition to the other ways set forth above:**

By bringing brand-new, high-quality apartments to this area, the applicant expects to serve renters, taking advantage of proximity to the aforementioned schools, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009-2014 and COVID crisis of 2020 have caused, moving ever more people from ownership to rental housing communities, apartment buildings will be multigenerational. Thus, this community can probably expect empty nesters to be among its diverse occupants.

\* \* \*

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

Respectfully submitted,

---

John C. Talbott  
Bardenwerper, Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Bldg.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688