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

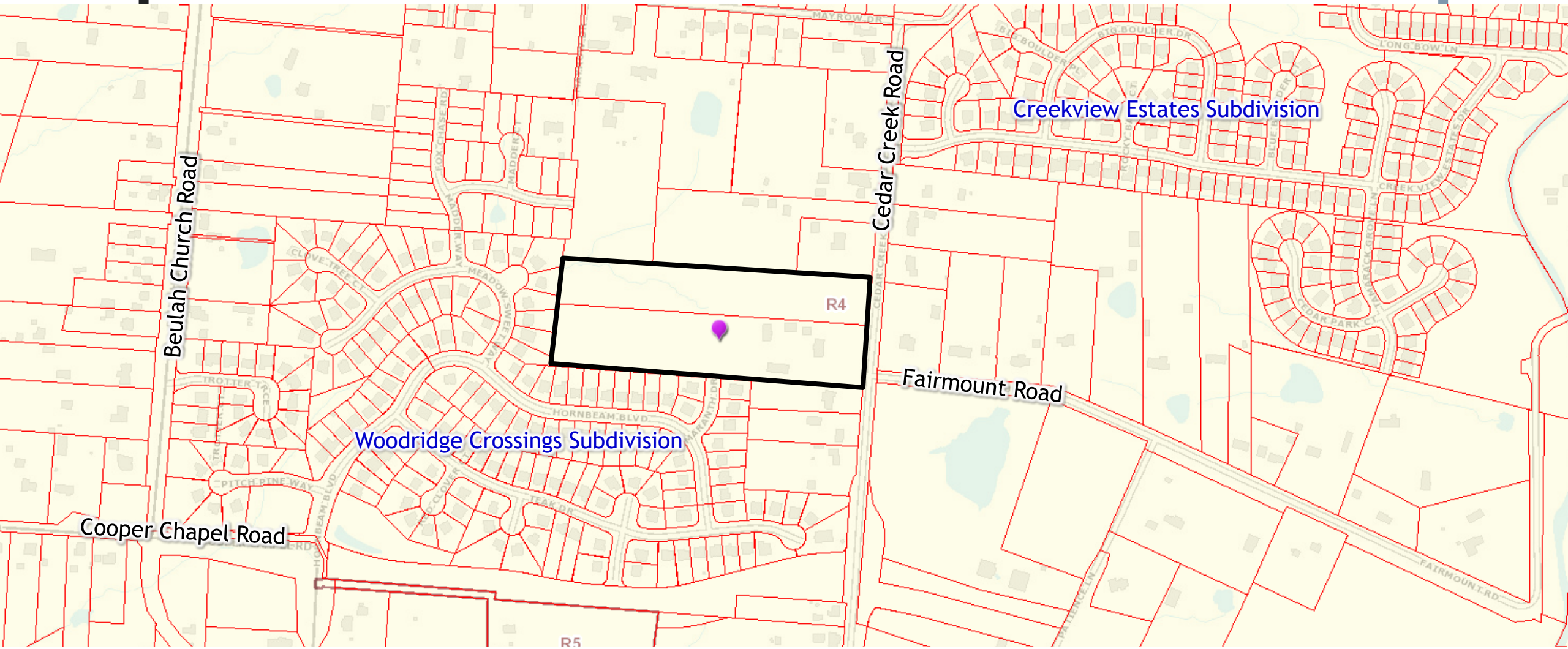
Proposed zone change from R-4 to R-5 to allow a 44-lot single family subdivision located at 9220 and 9224 Cedar Creek Road

Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects & Engineers: Land Design & Development, Inc.

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

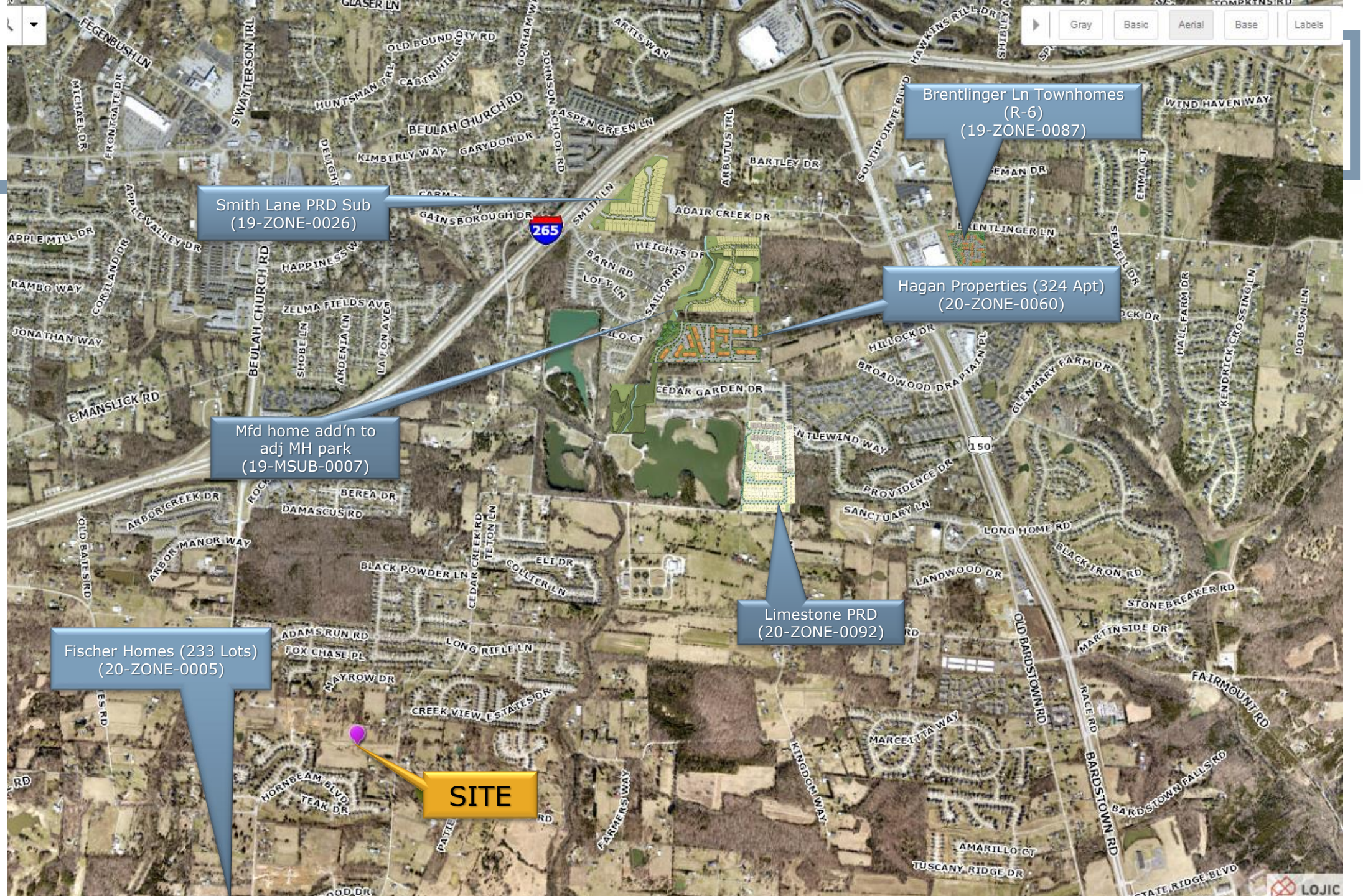

Beulah Church Road
Cedar Creek Road
Creekview Estates Subdivision
R4
Fairmount Road
Woodridge Crossings Subdivision
Cooper Chapel Road
R5

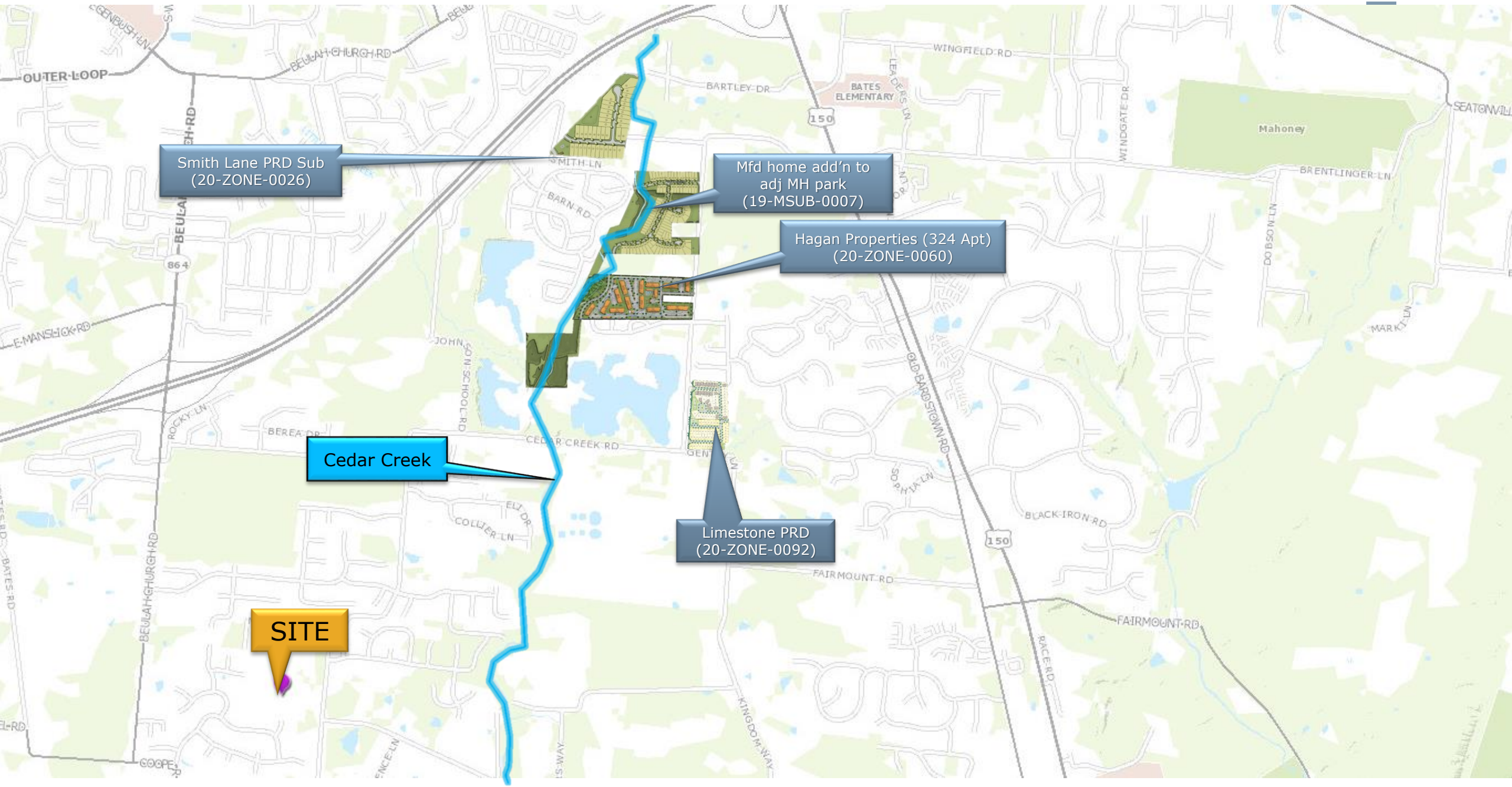
TAB 2
AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA

MAYROW DR
Creekview Estates Subdivision
BIG BOULDER DR
ROCKY BANK
CREEK VIEW ESTATES DR
BLUE BOULDER CT
TAMARACK GROVE LN
CEDAR PARK CT
Cedar Creek Road
CEDAR CRL
FOX CHASE RD
MADDER CT
MADDER WAY
Beulah Church Road
CLOVE TREE CIR
MEADOW SWEET WAY
R4
HORNBEAM BLVD
TROTTER TRCE
TROTTER CT
Fairmount Road
Woodridge Crossings Subdivision
PITCH PINE WAY
RED CLOVER
WOOD VIOLET
TEAK DR
MOUNTAIN LAUREL LN
Cooper Chapel Road
PATIENCE LN
R5

Creekview Estates Subdivision
Woodridge Crossings Subdivision
Beulah Church Road
Cedar Creek Road
Fairmount Road
Cooper Chapel Road
MAYROW DR
FOX CHASE RD
MADDER CT
MADDER WAY
CLOVE TREE CIR
MEADOW SWEET WAY
HORNBEAM BLVD
TROTTER TRCE
TROTTER CT
PITCH PINE WAY
RED CLOVER
WOOD VIOLET
TEAK DR
MOUNTAIN LAUREL LN
CEDAR CRL
BIG BOULDER DR
ROCKY BANK
CREEK VIEW ESTATES DR
BLUE BOULDER CT
TAMARACK GROVE LN
CEDAR PARK CT
PATIENCE LN
R5

Madder Ct
CEDAR CREEK ROAD
Cedar Creek Rd
FAIRMOUNT ROAD
Hornbeam Blvd
Hornbeam Blvd


Brentlinger Ln Townhomes
(R-6)
(19-ZONE-0087)
Smith Lane PRD Sub
(19-ZONE-0026)
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
Gray
Basic
Aerial
Base
Labels
265
150
LOJIC


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
OUTER LOOP
BEULAH CHURCH RD
BARTLEY DR
WINGFIELD RD
BATES ELEMENTARY
Mahoney
BRENTLINGER LN
SMITH LN
BARN RD
E MANSLICK RD
JOHN G SCHOOL RD
CEDAR CREEK RD
BEREA DR
ROCKY LN
COLLIER LN
OLD BARDSTOWN RD
BLACK IRON RD
FAIRMOUNT RD
KINGDOM WAY
RACE RD
MARKET LN
DOBSON LN
150
864

TAB 3
GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA

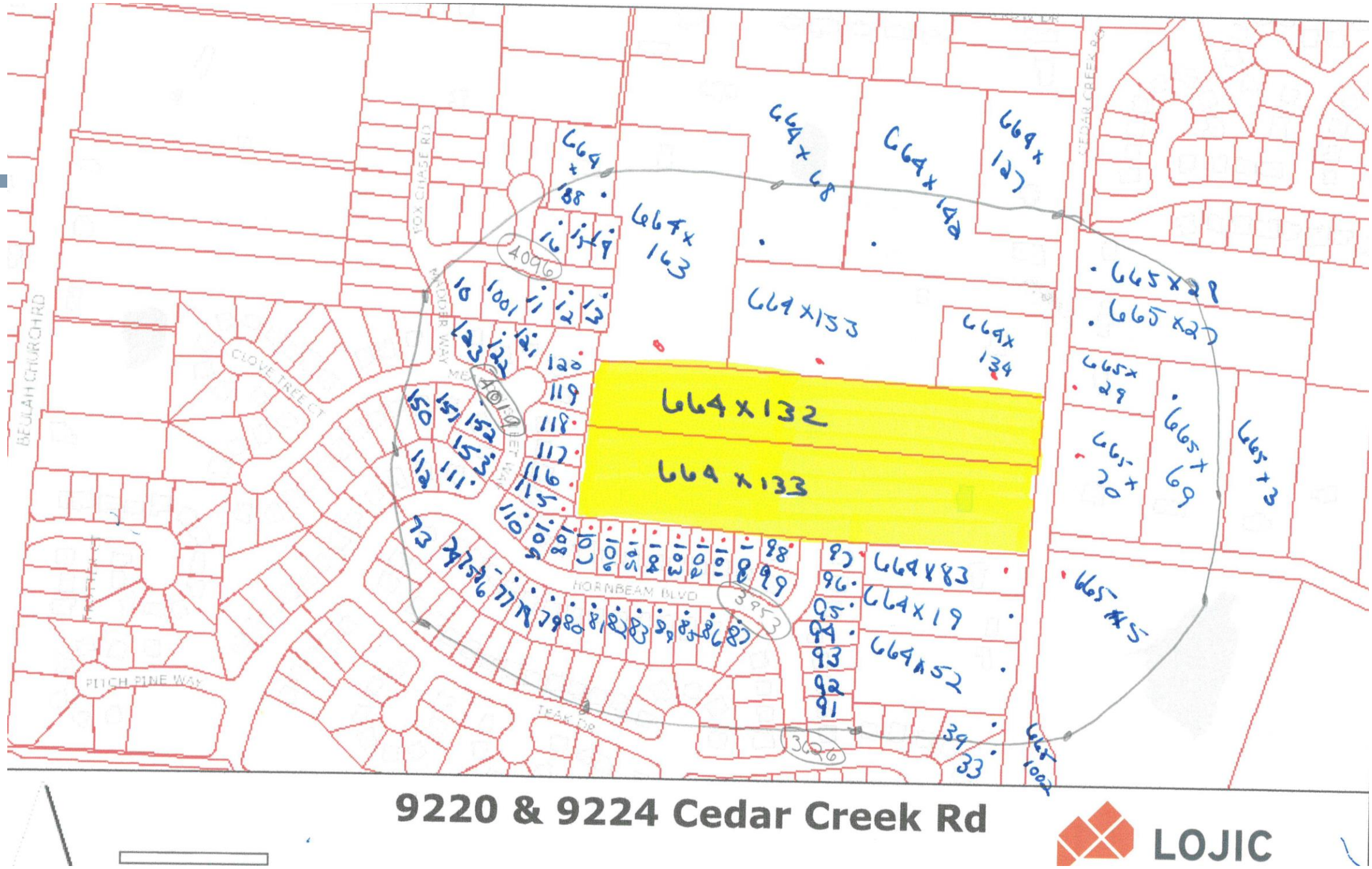
View of site from Cedar Creek Road, looking north. Site is the left.

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

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
664 x 132
664 x 133
BEULAH CHURCH RD
FOX CHASE RD
CLOVE TREE CT
HORNBEAM BLVD
PITCH PINE WAY
TEAK DR
CEDAR CREEK RD
664 x 188
664 x 163
664 x 68
664 x 142
664 x 127
664 x 153
664 x 134
665 x 29
665 x 20
665 x 69
665 x 3
664 x 83
664 x 19
664 x 52
665 x 45
664 x 100
LOJIC

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** (e*nter 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 Luckett 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

N88° 30' 00"W 1238.90'
S88° 30' 00"E 1238.50'
S02° 56' 50"W 184.40'
S02° 56' 50"W 250.00'
PROP. DETENTION BASIN 40,000 SF & VARIABLE S&D ESMT.
EX 15' SS ESMT. PB. 53 K PG 71
PROP. 15' S&D ESMT.
PROP. AMARANTH DRIVE - 50' RW
PROP. ROAD "A" - 50' RW
PROP. FAIRMOUNT RD. - 50' RW
CEDAR CREEK RD
OPEN SPACE
50' SETBACK
30' SCENIC CORRIDOR BUFFER
25' FRONT SETBACK
15' SY
25' FY
PROP. CBU
EX. BLDG (TBR)
EX. 15' SS ESMT PB 52/PG 89
9218 CEDAR CREEK RD LOUISVILLE, KY, 40291 D.B.-PG. / 8946-0574
9218 CEDAR CREEK RD LOUISVILLE, KY, 40291 D.B.-PG. / 8946-0572
LORETI, NATALIE L 9300 CEDAR CREEK RD
MH#108741
1 12752 SF
2 7570 SF
3 9196 SF
4 17581 SF
5 11530 SF
6 10427 SF
7 16302 SF
8 13966 SF
9 7100 SF
10 6220 SF
11 6222 SF
12 8031 SF
13 8240 SF
14 8250 SF
15 6000 SF
16 6000 SF
17 7752 SF
18 6028 SF
19 6000 SF
20 6000 SF
21 6000 SF
22 6000 SF
23 6652 SF
24 6809 SF
25 8462 SF
26 12077 SF
27 9404 SF
28 13260 SF
29 10965 SF
30 6000 SF
31 6000 SF
32 6000 SF
33 6000 SF
34 6000 SF
35 6000 SF
36 6000 SF
37 10131 SF
38 9552 SF
39 6000 SF
40 6000 SF
41 6000 SF
42 6000 SF
43 6000 SF
44 7414 SF

TAB 6
SIMILAR HOME BUILDING STYLE AND DESIGN

6909
ADT
520 XSJ

6786
6786

12107
SOAR

6907

12083
12083

12109

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

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

PROP. DETENTION BASIN 40,000 SF & VARIABLE S&D ESMT.
EX 15' SS ESMT. PB 53 X PG 71
PROP. 15' S&D ESMT.
PROP. ROAD "A" - 50' RW
PROP. AMARANTH DRIVE - 50' RW
PROP. FAIRMOUNT RD - 50' RW
25' FRONT SETBACK
50' SETBACK
30' SCENIC CORRIDOR BUFFER
OPEN SPACE
PROP. CBU
EX. BLDG (TBR)
25' FY
15' SY
PROP. 5' WALK
EX. 15' SS ESMT PB 52/PG 89
1 12752 SF
2 7570 SF
3 9196 SF
4 17581 SF
5 11530 SF
6 10427 SF
7 16302 SF
8 13966 SF
9 7100 SF
10 6220 SF
11 6222 SF
12 8031 SF
13 8240 SF
14 8250 SF
15 6000 SF
16 6000 SF
17 7752 SF
18 6028 SF
19 6000 SF
20 6000 SF
21 6000 SF
22 6000 SF
23 6662 SF
24 6809 SF
25 8462 SF
26 12077 SF
27 9404 SF
28 13260 SF
29 10965 SF
30 6000 SF
31 6000 SF
32 6000 SF
33 6000 SF
34 6000 SF
35 6000 SF
36 6000 SF
37 10131 SF
38 9552 SF
39 6000 SF
40 6000 SF
41 6000 SF
42 6000 SF
43 6000 SF
44 7414 SF