

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

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## STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Blacketer Company

Owner: Donald L. Craig  
The Revocable Trust Agreement with  
Margaret D. Greenwell

Location: 7508, 7506, 7504 and 7504 Beulah Church Rd

Proposed Rezoning/Use: Rezoning from R-4 to R-5A

Engineers, Land Planners and  
Landscape Architects: Land Design & Development

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### INTRODUCTORY STATEMENT

This is an application for an apartment community that mirrors the apartment community on the north side of "The Fountains" condominiums. It is proposed by the same developer that built the apartments on the opposite side of The Fountains, and the building designs will be nearly identical. The PowerPoint presentation for the neighborhood meeting, along with the site plan, accompanies this application as evidence of that. This application also includes a standard single-family subdivision. The apartment community requires R-5A zoning, whereas the single-family community will remain R-4 zoning – both the rezoning and development plan accompanying same are compatible with the form of development that has occurred already in the immediate vicinity. After all, as said, there already exists The Fountains "stacked" form of an apartment-style condominium community, plus the referenced apartment community to the north. And part of the Apple Valley subdivision to the west is zoned R-6. Beulah Church Road leads to and from the Snyder Freeway, thus this area is a good location, fronting as this site does on a minor arterial or major collector level roadway, which takes traffic to and from places of employment and places of retail shopping along the Outer Loop and such places of worship as the large Highview Baptist Church not far north of this site.

### GUIDELINE 1: COMMUNITY FORM

The Community Form that this property is located in is the Suburban Neighborhood Form District, which is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas. These proposed apartment and single-family uses, as noted above, adjoin multi-family zoning and single-family uses. Plus they are compatible in terms of layout, design and density/intensity to adjoining and nearby uses. Because the Suburban Neighborhood Form recommends diverse housing types, this application does that: adds another small apartment community to the successful one to the north that this same developer recently built, plus some home sites typical

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of what builders/developers are wanting to build today for the market that is out there such as this. This is proposed as a low to medium density use, not close to high density, which would in and of itself probably be appropriate, given its location on an arterial or major collector roadway such as Beulah Church Road which is in close proximity to areas of shopping, worship, schools, etc.

Also in conformance with this Guideline of the Comprehensive Plan, the pattern of streets and connectivity are also shown on the site plan, together with street trees, sidewalks and so forth.

### **GUIDELINE 2: CENTERS**

The Intents and applicable Policies 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 16 of this Guideline all pertain to the notion of “centers”, which is a Comprehensive Plan concept which encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient uses of land, lower utility costs, reduce commuting time and transportation related air pollution, provide an opportunity for a mixture of residential development and housing types, and add to and encourage vitality and a sense of place in neighborhoods. Within Suburban Neighborhood Form Districts, activity centers should be located at street intersections with at least one of the intersecting streets classified as collector or above. Beulah Church Road is probably a minor arterial or at least a major collector. The entrance to this proposed community of multi- and single-family residences will probably lead to Apple Valley subdivision, such that that entrance road will become a major local street or collector in its own right. For the location of this somewhat higher density/intensity series of residential uses, from this site on the south moving north through The Fountains condominium community to the apartment community on the north of that, this larger development takes on the character of a small Neighborhood Center at this location.

Policies 4 and 5 encourage compact and mixed uses, which this proposal ensures, both by virtue of the site design, including the somewhat smaller single-family lots that are otherwise allowed in the R-4 zoning district. That assures a buyer seeking a higher level of amenities on a smaller lot. Guidelines 6 and 7 encourage a mixture of residential and commercial uses, proximate one as to the other. That is what is shown on this site plan in this case.

Policies 11, 13, 14 and 15 recommend that centers be designed taking into account the development patterns and designs of nearby development projects and also assure well screened and shared parking, well identified safe access, as well as use of existing utilities when possible. All of that occurs in this particular case.

### **GUIDELINE 3: COMPATIBILITY**

The Intents and applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issues of how to ensure that land uses and transportation facilities are located, designed and constructed so as to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive features.

This application complies with the Intents and applicable Policies of this Guideline as follows. For example, as said above, the design of this proposed apartment community and single-family subdivision take into account what adjoins them while looking at the way these uses were laid out, as well as the way that the buildings were designed. In this case, materials similar to those

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used in the existing apartment community and nearby homes will be utilized on all structures, which is evident in immediate adjoining neighborhoods. Buildings will be one and two-story, not taller. Odors, traffic, noise and commercial type lighting will not be involved in these developments, such that those kinds of impacts will not exist. Lighting will be residential in style and design. Visually speaking, the proposed communities will be compatible with those adjoining it and typical of the area. Again, this is not high density zoning, but it is a type different than standard R-4 single-family housing. But then the current market for new housing does not call for large lot standard single-family housing, but rather for more multi-family and for smaller single-family lots. As evident on the development plan accompanying this application, good transitions, appropriate setbacks, landscape buffers, building heights that do not require variances, suitable LDC compliant signage are all involved in this application and again, evident on the development plan.

#### **GUIDELINES 4 AND 13: OPEN SPACE AND LANDSCAPE CHARACTER**

The Intents and applicable Policies 1, 3, 6 and 7 of this Guideline 4 and Policies 1, 2 and 5 of Guideline 13 all pertain to the idea of ensuring well designed, permanently protected open spaces within communities, as well as landscape throughout these communities that protect and enhance the natural environment.

This application complies with these Intents and applicable Policies of this Guideline as follows. Green space and open areas are included within the apartment community. Throughout both the multi-family and single-family zoned communities, there will be abundant trees appropriately located to provide for internal aesthetics, screening and buffering, as well as to all of the requirements pertaining to the tree canopies and landscaping within the LDC.

#### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

The Intents and applicable Policies 1, 3, 5 and 6 of this Guideline all pertain to the provision of a positive culture for attracting and sustaining a variety of land uses, in this case residential.

This application complies with the Intents and applicable Policies of this Guideline as follows. This is an infill development, meaning that is adjoined by other existing like-kind development for which there is a significant market demand.

#### **GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS**

The Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 8, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the issues of traffic impacts, access to and circulation through proposed developments and the provision of access by other means of transportation than simply the automobile. As these are low to medium density single-family and multi-family developments along a road that has adequate traffic-carrying capacity, development of this site for residential communities of this type is appropriate. If additional road improvements are required, and if those impacts are proportionate to whatever the road improvements requirements are, they will be provided. That could include additional right-of-way dedication and a center turn lane. But probably nothing more than that would be required. Metro Transportation Planning must review the development

plan filed with this application prior to docketing for the LD&T Committee meeting, which is even before the full-blown Planning Commission public hearing. Consequently, this application will not be reviewed until such time as that agency has determined that, as said, the existing external road system has adequate traffic-carrying capacity as it is believed to have and that access to the site, through the site and to adjoining properties is provided in accordance with the LDC and these Comp Plan Policies. Sidewalks will be provided along Beulah Church Road and internally. Bicycle accommodations will be made within the multi-family development.

### **GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY**

The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of effectively managing stormwater and preventing the degradation of water quality due to water pollution and soil erosion and sedimentation.

This application complies with the Intents and applicable Policies of these Guidelines as follows. MSD has provided regulations that pertain to soil erosion and sedimentation control, which is a construction detail that will be required of this applicant in connection with its developments of these multi-family and single-family communities. Among other things, post-development rates of runoff may not exceed pre-development conditions, and they will not do so in this case. Ordinarily that is accomplished through on-site detention as here. MSD new water quality guidelines will also be accommodated through the design of one or several of multiple measures that are now available to assure best management practices in this regard.

### **GUIDELINE 12: AIR QUALITY**

The Intents and applicable Policies 1, 2, 4, 6, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same.

This application complies with the Intents and applicable Policies of this Guideline as follows. Generally speaking, by filling in the infill, so to speak, which means building next to development that already exists as opposed to in outlying areas, for example outside the Snyder Freeway, is important as a means to assure reduced vehicle miles traveled. That tends to help with air quality because people driving from their homes to places of work, to shopping, to places of worship, to school and so forth will be more proximately located relative to same. That will be the case here.

### **GUIDELINE 14: INFRASTRUCTURE**

The Intents and applicable Policies 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project.

This application complies with the Intents and applicable Policies of this Guideline as follows. This site was chosen because it has sanitary sewer service available. Also, water and electric service are available at the site without the need for lengthy extensions. It is always more cost-effective for the developer, and better for the public utilities when existing utility infrastructure can be utilized. And, as said, Beulah Church Road has adequate traffic-carrying capacity for limited amounts of added, especially residential, developments where infill sites like this exist.

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For all of these and other reasons to be further presented at the LD&T meeting and Planning Commission public hearing, this application complies with these and all other applicable Intents, Policies and Guidelines of the Comprehensive Plan.

Respectfully submitted,

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