

Docket No. 18ZONE 1009

Proposed zone change from R-4 to R-5 to allow an 81-lot single family home subdivision on approximately 18.9 acres on property located at 6707 Shaffer Lane

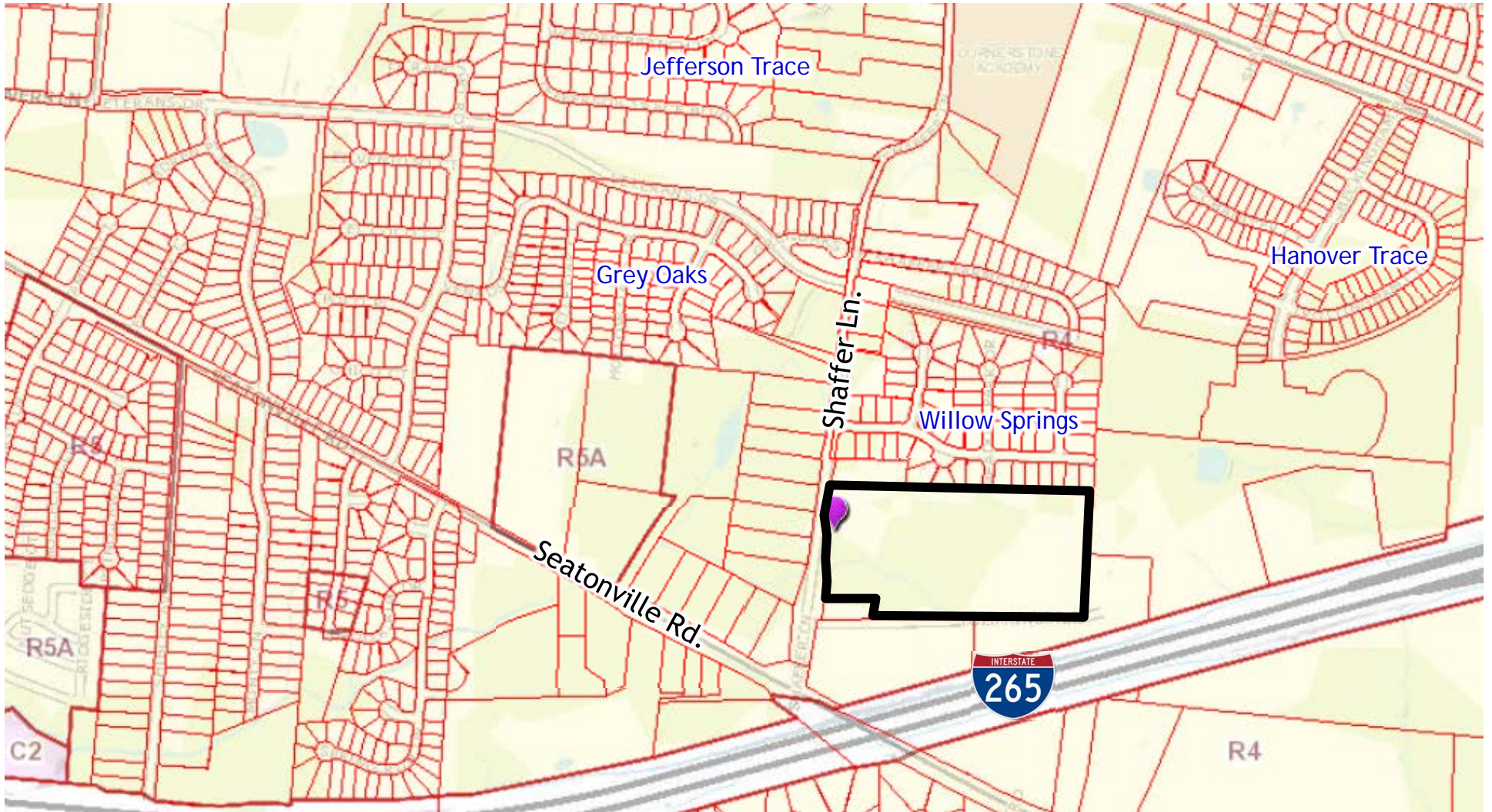


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Tab 1
LOJIC Zoning Map



Jefferson Trace

Grey Oaks

Willow Springs

Hanover Trace

Shaffer Ln.

Seatonville Rd.

INTERSTATE
265

R5A


R4

R5A

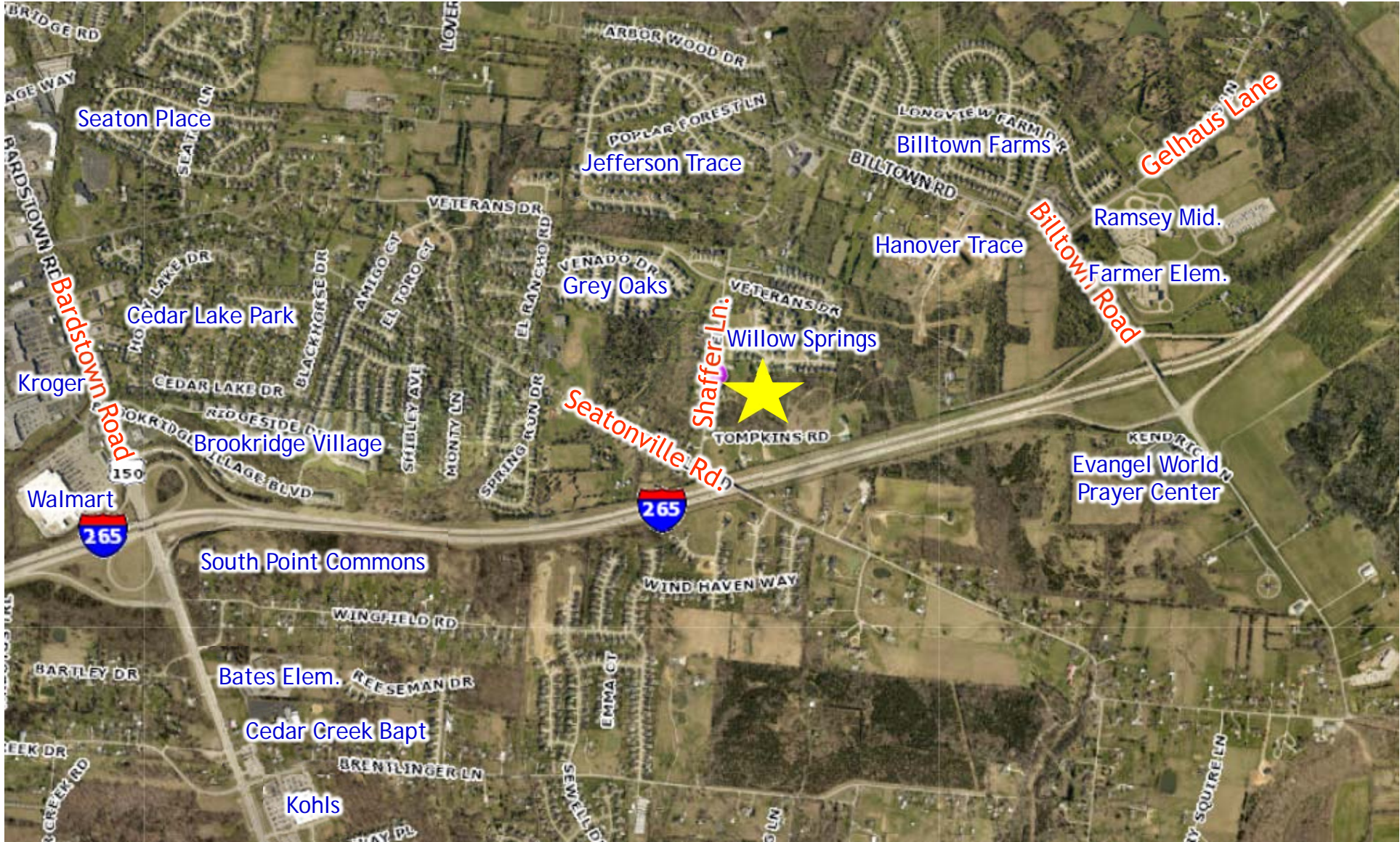
R5

C2

R4



Tab 2
Aerial photograph of the site and
surrounding area



Seaton Place

Jefferson Trace

Billtown Farms

Gelhaus Lane

Ramsey Mid.

Farmer Elem.

Hanover Trace

Billtown Road

Grey Oaks

Willow Springs

Shaffer Ln.

Seatonville Rd.

Evangel World Prayer Center

South Point Commons

Bates Elem.

Cedar Creek Bapt

Kohls

Kroger

Cedar Lake Park

Brookridge Village

Walmart


Bardstown Road

265

265







Tab 3
Ground level photographs of the site and
surrounding area



Looking north down Shaffer Lane at Tompkins Road.



Property adjacent and south of site.



Existing house on site.



Looking further north down Shaffer Lane at adjacent house.



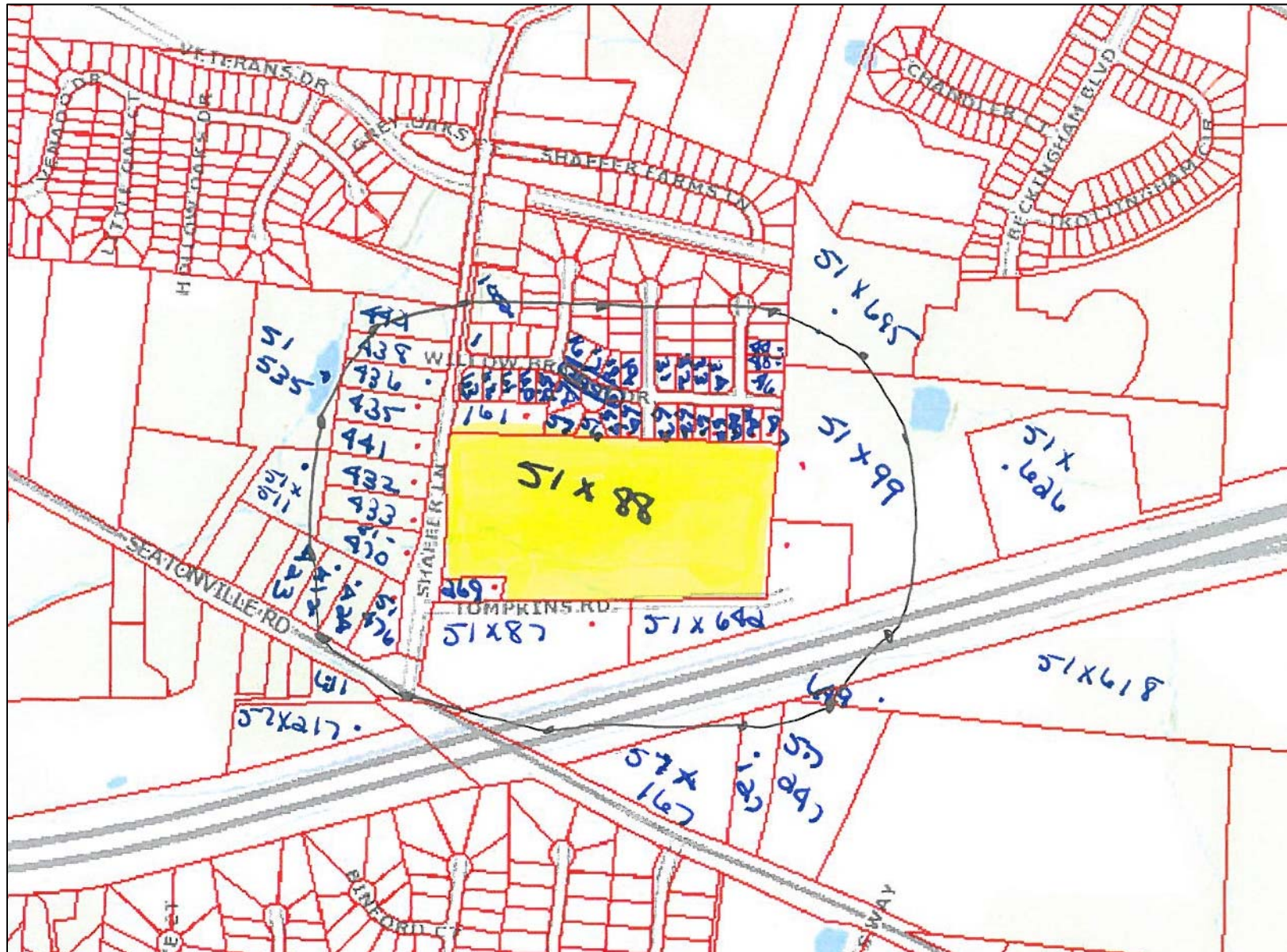
Looking southeast towards site and at adjacent house north of site.



Tab 4

Neighborhood Meeting notice list map,
letter to neighbors inviting them to the
meeting and summary of meeting

Adjoining property owner notice list map wherein 60 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



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

William B. Bardenwerper
Direct dial: 426-0388, ext. 135
Email: WBB@BARDLAW.NET
Nicholas R. Pregliasco
Direct dial: 426-0388, ext. 139
Email: NRP@BARDLAW.NET

February 5, 2018

Dear Neighbor,

RE: Proposed change in zoning from R-4 to R-5 to allow an 81-lot single family home subdivision on approximately 18.9 acres just south of Willow Springs subdivision at 6707 Shaffer Lane

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow an 81-lot subdivision to be located as above.

Accordingly, we have filed a plan for pre-application review on Monday, February 5th with the Division of Planning and Design Services (DPDS) that will be assigned a case number and case manager. We will have that information at the neighbor meeting. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Monday, February 19th at 7:00 p.m.** at **Evangel World Prayer Center** in **Room 201** located at **6900 Biltown Road**. (*Room 201 is located up the stairs, to the left through the double doors.*)

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper
Nicholas R. Pregliasco

cc: Hon. Robin Engel, Councilman, District 22
Brian Davis, planning supervisor with Division of Planning & Design Services
David Mindel & Kathy Linares, land planners with Mindel, Scott & Associates
Buddy Goodwin, Brian Stephens, P.E. & Rocco Pigneri, applicants with Ball Homes

Neighborhood Meeting Summary

A neighborhood meeting was held on Monday, February 19th at 7:00 p.m. at Evangel World Prayer Center located at 6900 Billtown Road. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper Talbott & Roberts, David Mindel, land planner and engineer with Mindel Scott & Associates, and Rocco Pigneri, the Ball Homes Louisville Operations Manager.

The meeting began with John Talbott showing powerpoint presentation of the area and nearby development. Everyone in the room lived close to or adjacent to the development so they were intimately familiar with the area. He described also the proposed initial site plan, focusing on the number of lots compared to the number of lots which could be developed if the property was not rezoned.

The major issues raised by neighbors were primarily design and price point of the residential lots. There were also many questions about drainage and how this plan would affect current drainage issues experienced in the area. David Mindell addressed these concerns in detail, explaining how the detention basin would operate and the grade of the site. He explained how stormwater is handled through on-site detention, assuring that post-development peak rates of runoff will not exceed pre-development conditions. He also explained many drainage issues offsite, such as those experienced in the neighboring subdivision, which was caused because the final coat of pavement has not been applied, preventing the proper drainage of water from the streets to the culverts and drainage system. Another property owner adjacent to the site asked the developer if it would help him with a drainage pipe previously installed, which the developer agreed to do.

The applicant's corporate representative, Rocco Pigneri, further explained the types of homes and materials used to build them. He also gave some specifics on the pricing point of the homes, comparing them to another similar development called Urton Woods with sales from around \$290,000 to \$390,000. With an adjustment for location, Mr. Pigneri anticipates the price range to be from \$270,000 to \$370,000 levels at the Shaffer Lane site. He explained that these prices are compatible with the nearby subdivisions of Shaffer Farms, Grey Oaks, and Willow Springs.

Traffic arose only as a minor issue, with it being explained that the increase level of traffic between the current R-4 zoning and the requested R-5 zoning would only increase about 15 extra lots.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted DDDP and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received

notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

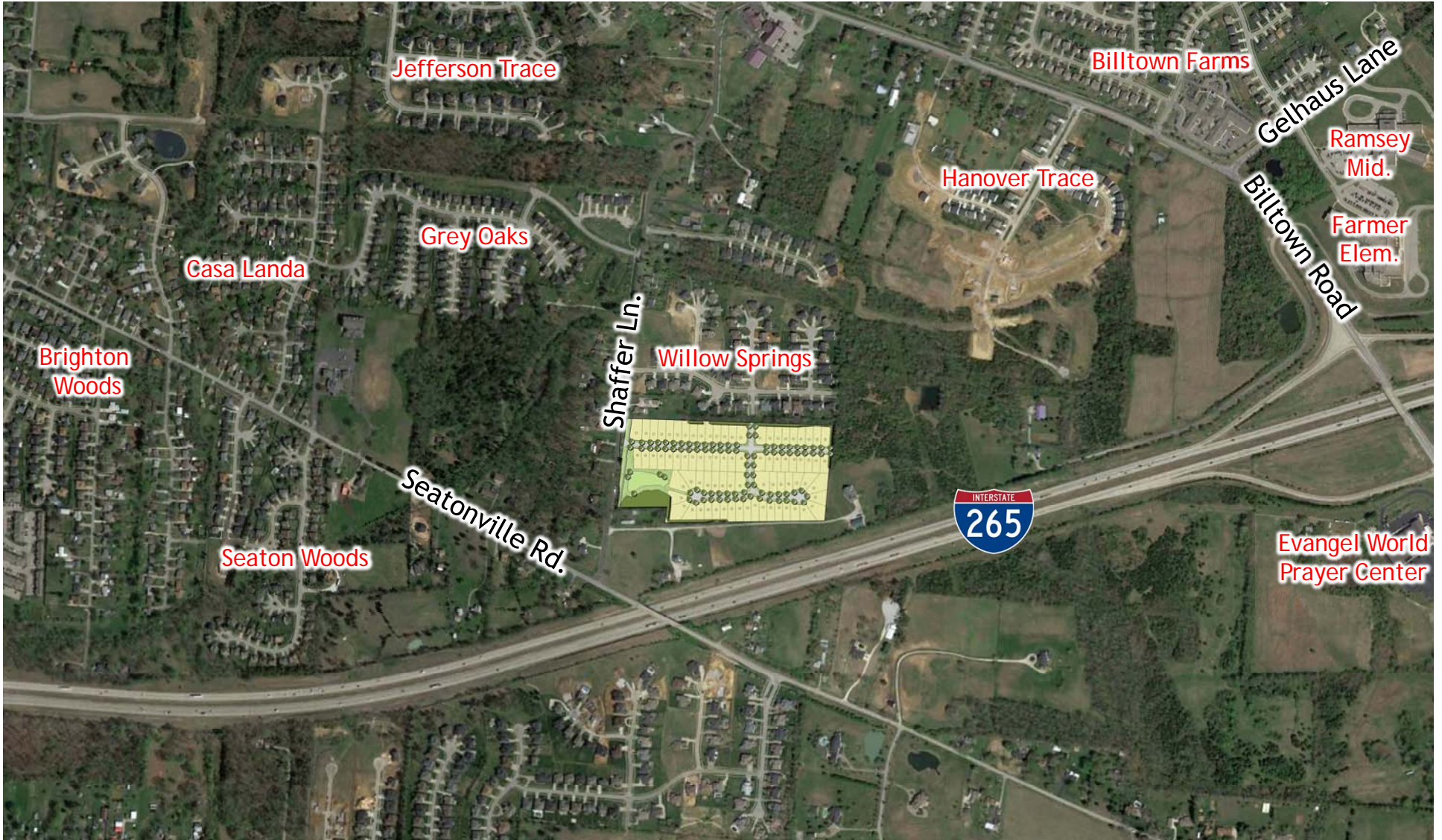
Mr. Talbott also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.

Respectfully submitted,

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



Tab 5
Development Plan



Jefferson Trace

Billtown Farms

Gelhaus Lane

Ramsey Mid.

Hanover Trace

Farmer Elem.

Casa Landa

Grey Oaks

Billtown Road

Brighton Woods

Willow Springs

Shaffer Ln.

Seatonville Rd.

Seaton Woods

INTERSTATE
265

Evangel World Prayer Center




TOMPKINS RD.

250' RESIDENTIAL BUILDING LIMIT



| | <u>R-4 existing</u> | <u>R-5 Rezoning</u> |
|------------------------|---------------------|---------------------|
| Density | 4.84 du/a max | 4.22 du/a |
| Lot Count | +/- 66 | 80 |
| Lot SF | 9,000 sf min | 6,000 sf min |
| Lot Width | 60 ft min | 50 ft |
| Open space | 0% provided | 9.7% provided |
| House Design Standards | Not Applicable | Applicable |



Tab 6
Building Elevations























Tab 7

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

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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 GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Ball Homes

Owner: Robertson Trust dated August 30, 2002

Location: 6707 Shaffer Lane

Proposed Use: Single-Family Residential

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

Request: Zone Change from R-4 to R-5

GUIDELINE 1 – COMMUNITY FORM

The subject property which is located in the Neighborhood Form Districts, is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback. Pedestrian and bicycle accommodations should also be provided. This proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed. The site is planned with 80 residential lots versus approximately 66 which would be permitted under R-4. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations. Furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5, R-5A, or comparable.

GUIDELINE 3 – COMPATIBILITY

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 21, 22, 23 and 25 of Guideline 3 for these reasons.

This low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials. The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exist in the greater area. Setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply. Sidewalks are being added throughout most of the development and buffers are also being provided. The design of the homes is high quality and will value the homes consistently with the surrounding

residential areas. The detailed district development/preliminary subdivision plan (DDDP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

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

The proposed subdivision and its DDDP comply with all applicable Intents and Policies 1, 2, 5, 6, and 7 of Guideline 4 and Policy 1 of Guideline 5 for these reasons.

This standard single-family subdivision includes protected perimeter open space for detainage at Shaffer Lane and also will protect some natural resources and features, notably trees buffering the site where possible to assuring good transitions and buffers to neighboring properties. The homeowners association will maintain the open area.

GUIDELINE 6 – MARKETPLACE

The proposed subdivision complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 for these reasons.

This land is surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family housing is in greatest demand.

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, 16, and 18 of Guideline 7; Policies 3, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6 and 8 of Guideline 12 for these reasons.

This subdivision is situated on a secondary collector street (Shaffer Lane) where sewer, water and other utilities already exist, and where road capacity exists. Further, this DDDP will be reviewed by Metro Transportation Planning and Public Works personnel, who must stamp the DDDP for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC).

In that regard, the proposed DDDP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets to function at relatively low volumes, as neighborhood serving streets are expected to function. Thus, negative internal traffic impacts are avoided with this proposed subdivision. And, as noted, design of the site, as shown on the DDDP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required. Possible road improvements along Shaffer Lane have yet to be determined, but some

may be required as impact mitigation measures. Any off-site roadway improvements will, of course, need to meet the “essential nexus” and “rough proportionality” test.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The proposed DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 9, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

MSD will require that post-development peak rates of storm water runoff do not exceed pre-development peak flows. That is accomplished through on-site detention. Thus, new impervious areas will not have a negative impact on existing storm water systems. Also, MSD will have to stamp for preliminary approval the DDDP before it is set for Planning Commission review. And at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of interior and perimeter landscaping. Accordingly, the LDC will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688



Tab 8

Proposed findings of fact pertaining to compliance with the Comprehensive Plan



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

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Ball Homes

Owner: Robertson Trust dated August 30, 2002

Location: 6707 Shaffer Lane

Proposed Use: Single-Family Residential

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

Request: Zone Change from R-4 to R-5

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on June 7, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the subject property which is located in the Neighborhood Form District, is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback; pedestrian and bicycle accommodations are being provided; this proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed; the applicant also could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could have applied for "PRD" rezoning, but those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations; and furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5, R-5A, or comparable; and

GUIDELINE 3 – COMPATIBILITY

WHEREAS, the zone change and subdivision DDDP complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 21, 22, 23 and 25 of Guideline 3 because this low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area; setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply; sidewalks are

being added throughout most of the development and buffers are also being provided; the design of the homes is high quality and will value the homes consistently with the surrounding residential areas; the detailed district development/preliminary subdivision plan (DDDP), PowerPoint and exhibit books presented at the Planning Commission Public Hearing further demonstrate the foregoing; and

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

WHEREAS, the zone change and subdivision DDDP comply with all applicable Intents and Policies 1, 2, 5, 6, and 7 of Guideline 4 and Policy 1 of Guideline 5 because this standard single-family subdivision includes protected perimeter open space at Shaffer Lane and also will protect some natural resources and features, notably trees buffering the site where possible to assure good transitions and buffers to neighboring properties; and the homeowners' association will maintain the open space area as shown on the DDDP; and

GUIDELINE 6 – MARKETPLACE

WHEREAS, the zone change and subdivision DDDP complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 because this land is surrounded by like-kind subdivisions which makes this site an infill single-family residential site, appropriate for the area the larger community, where new single-family housing is in greatest demand; and

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

WHEREAS, the zone change and subdivision DDDP complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, 16, and 18 of Guideline 7; Policies 3, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6 and 8 of Guideline 12 because this subdivision is situated on a secondary collector street (Shaffer Lane) where sewer, water and other utilities already exist, and where road capacity exists; further, this DDDP has received the preliminary stamp of approval by Metro Transportation Planning and Public Works personnel, prior to its docketing for Planning Commission review; all of which assures that the applicable Public Works' standards are complied with, including regulatory standards of the Land Development Code (LDC); and

WHEREAS, the zone change and subdivision DDDP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets, to function at relatively low volumes, as neighborhood serving streets are expected to function; thus, negative internal traffic impacts are avoided with this proposed subdivision; and, as noted, design of the site, as shown on the DDDP accompanying this application assures that matters such as corner clearances, driveway access, median openings, cross connections, and the like are provided as required; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the zone change and subdivision DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 9, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD requires that post-development peak rates of storm water runoff do not exceed pre-development peak flows, which is accomplished through on-site detention; new impervious areas will not have a negative impact on existing storm water systems; also, the DDDP has received MSD's preliminary stamp of approval; and at time of construction, the proposed subdivision will include water quality measures addressing the new MSD water quality standards and any new construction will comply with MSD's soil erosion and sediment control standards; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the zone change and subdivision DDDP complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requiring tree canopies, certain kinds of interior and perimeter landscaping will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-5 and approves the Detailed District Development Plan.