

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

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

Applicant/Owner: CDJ Development, LLC

Location: 4806 Manslick Road

Proposed Rezoning/Use: R-5A to PRD for 32 patio home style single family homes

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

RECEIVED
OCT 27 2011
PLANNING &
DESIGN SERVICE

BACKGROUND

The subject property has a long history, having first been proposed for patio home-style condominium homes back in 2002, after which it underwent extensive review over a two-year period, leading in 2004 to 46 units in a townhome style. Residents opposed that development for more units than were eventually approved and as still proposed today. Eventually, the then developer settled on 32 patio home-style condominium homes. A new developer having purchased the subject property from a bank which obtained the property from a previous developer today still proposes 32 units on the same acreage, although no longer in the R-5A multifamily zoning district, but rather in the PRD zoning district today.

After the housing crash occurred and condominiums became nearly impossible to finance either from development or from purchase mortgage perspectives, the PRD separate home lot, instead of R-5A single condominium lot, approach became the standard way to address the plan design, construction and sale of patio and town house style (formerly condominium) home communities.

The purpose of the Planned Development (PRD) District is to provide flexibility in layout and design of residential developments in a manner that promotes implementation of the Cornerstone 2020 Comprehensive Plan. The PRD district allows for zero lot lines, townhomes, cluster housing, reduced lot sizes and building setbacks and other innovative designs which meet the intents of the Comprehensive Plan, all of which this development plan complies with. In that regard, the PRD regulation requires that a PRD plan shall meet at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or Urban renewal plan; or

19721110195

3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

This proposed PRD patio home style development meets at least two of the above criteria, notably numbers 3 and 4, because this is a community which empty-nesters are the most likely market segment to be interested in the type of maintenance free living proposed here, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves. This particular area of Metro Louisville is little different than almost all others where traditional style, detached single family homes are the norm, except that this form of patio home style development is not as available in this area as elsewhere in Metro Louisville. Thus, this proposed development should prove popular, as it adds to the diversity of housing types in this area.

The Cornerstone 2020 Comprehensive Plan also strongly supports the provision of affordable and appropriate housing. The PRD regulation requires that developments creating 50 or more dwelling units, that do not reserve ten percent of their proposed dwellings for this purpose, must address how the proposal complies with the housing elements of the Comprehensive Plan in relationship to other Guidelines and Policies of the Comprehensive Plan. This development does not provide 50 units but only 32.

RECEIVED

OCT 27 2014

PLANNING &
DESIGN SERVICES

GUIDELINE 1 – COMMUNITY FORM

The Suburban Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas. This proposed patio home community is not very much different than the standard single-family residential communities that exist near and around it. The residential patio homes are one-story with some fall-away lots, giving a rear side, two-story look to those units. Some homes may also have basements that are not fall-aways. Because most patio homes are mostly attractive to a demographic group termed “empty nesters”, the impacts of this community on the adjoining standard single-family residential neighborhoods will be minimal. Traffic will be less than that from a standard single-family subdivision developed on this property, and none of the negative impacts that result from standard single-family subdivisions (such as structures within five feet of rear yards, large play equipment, vehicles parked outside of garages and so forth) can be expected at this condominium community. This community will have a set of Covenants, Conditions and Restrictions (CCRs) with severe restrictions on what can and cannot occur on individual lots, on all commonly held open property, and in terms of exterior building and property maintenance.

GUIDELINE 3: COMPATIBILITY

Guideline 3 seeks to insure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize negative impacts to residential areas. Policies 1, 2 and 3 of this Guideline pertain to scale and site design, building materials and transitions, such as landscaping, screening and buffering. This application and the proposed residential community under it will comply with these Policies of this Guideline because, as noted above, the building scales will be similar to those of the adjoining and nearby single-family subdivisions. Buildings will be mostly one

142011095

story, except for those on fall away lots. The developer has decided all brick exterior materials with other maintenance free accents. Also, the development plan accompanying this application shows where green space will occur on the inside as well as along perimeters. Where existing tree masses do not exist and/or cannot be retained along perimeters, new landscaping will be added to satisfy adjoining residential property owners. Some specific arrangements were previously made with certain adjoining property owners to try to accommodate their specific interests in landscaping, as landscape treatments are preferred to perimeter stockade fencing.

Policies 5, 6, 7, 8 and 9 of this Guideline pertain to odors, traffic, noise, lighting and other visual impacts. This community will comply with these Policies of this Guideline because all exterior activities are controlled in manners that are not necessarily possible within standard single-family residential communities. There will be a detailed set of very restrictive CCRs which will limit what can be built on individual lots and occur in common areas. Lighting will be residential style in design, probably utilizing standard LG&E acorn or coach lamp fixtures. Wattage and fixture types and locations will be very similar to those already existing in adjoining and nearby residential neighborhoods. Traffic, of course, will be less than what it would be if this were a standard single-family residential community, because empty nesters, the predominant demographic group in every patio home (even PRD zoned) community do not travel at peak hours with the same regularity as do residents of standard single-family communities, where more families with children reside. It is known that peak-hour traffic generation from a residential community of this kind equals about 50 percent of that by a standard single-family subdivision.

Other Policies of this Guideline, notably Policies 10-16 advocate a variety of housing with higher or more intense densities on transit routes in or near activity centers, with housing advocated for the elderly people with disabilities and geared toward demographic groups not otherwise fully accommodated in most standard single-family residential communities. Accordingly, what is anticipated, as here, to be an empty-nester community complies with these Policies of this Guideline because it anticipates many seniors, which comprise most of the demographic group known as empty-nesters. Such housing will need to be accessible by people with disabilities, which many seniors are. As a maintenance-free form of living, many people who are unable to care for their larger homes on their own lots will also find this an attractive community to live in. Activity center health care and shopping is located close by.

GUIDELINE 4 – OPEN SPACE

GUIDELINE 5 – NATURAL AREAS AND SCENIC AND HISTORY RESOURCES

These Guidelines seek to insure well-designed, permanently protected open spaces and to protect natural areas, natural features and important scenic and historic resources, if and when they exist.

This proposed individual lot patio home-style community complies with these Guidelines and the Policies thereunder, because there will be open spaces and good perimeter buffers. Sidewalks are included throughout the development for walking pleasure. Landscaping along property lines will seek to provide for privacy without the need for stockade privacy fences. Further, the applicant is not aware of any particular natural areas or scenic or historic resources on site that deserve protection. If they do exist, accommodations will attempt to be made.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The Guideline seeks to provide a positive culture for attracting and sustaining business within Metro Louisville. This application for a PRD zoned patio home-style community complies with this Guideline for this reason: as businesses seek to locate in Louisville, and as Louisville seeks to attract and retain new residents, it has come to the attention of everyone that one of Louisville's greatest strengths is the diversity and overall relative affordability of its housing. Having this form of housing development available, not just in the East End of the community where residential condominiums and patio home forms of development predominate, is every important. This is an area of Metro Louisville where many

OCT 27
PLANNING
DESIGN SERVICES

192011095

people own their homes, certainly including many seniors, who are probably looking to relocate to a maintenance-free form of living environment, if they exist. There are not as many patio home-style communities in this south end of Metro Louisville as in the East End. Locating homes of this type in this area is good not only for people who are looking for these kinds of homes to remain in neighborhoods where they presently live, but it also provides for an opportunity for people moving to this community to have the same opportunities to select the south end of Louisville, as the East End, as a place to live.

GUIDELINE 7 – CIRCULATION
GUIDELINE 8 – TRANSPORTATION FACILITY DESIGN
GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

These Guidelines seek to insure a balanced and comprehensive multi-model transportation network that is coordinated with desired growth and development patterns, plus transportation facilities that are safe and efficient and minimize adverse impacts upon the community, and that support bicycle, pedestrian and transit means of travel.

This proposed PRD zoned, patio home-style community complies with these Guidelines and related Policies therein for these reasons. The development plan accompanying this application has been designed in accordance with standards provided by Louisville Metro Works. Driveways are a minimum of 25 feet deep, so as to insure that vehicles parking in them do not overhang sidewalks. Circulation, internal road widths, turning radiuses and so forth all meet minimum standards of Metro Transportation Planning and Public Works. The location of the point of access on Manslick Road has been selected by KTC and Metro Transportation Planning and Public Works. A center turn lane has already been constructed to assure safer access in to and out of this community. Although Manslick Road is not designed to presently accommodate pedestrian or bicycles in any meaningful manner, this development will assure sidewalks along its frontage, as well as within. Inside this development, roadways will be wide enough to accommodate bicycle traffic.

GUIDELINE 10 – FLOODING AND STORMWATER
GUIDELINE 11 – WATER QUALITY
GUIDELINE 12 – AIR QUALITY

These Guidelines seek to minimize the potential for impacts of flooding and stormwater, protect water quality and assure no negative impacts on air quality.

The proposed patio home community already includes a detention basin that was constructed as part of the prior developer's initiated, but never completed, development efforts. That basin will be expanded to assure that post-development rates of runoff will not exceed pre-development conditions and to assure that surface water drainage will not continue to cause problems for certain adjoining properties. Storm water will be captured in internal catch basins and directed to the detention basin. This is not an area where true flooding occurs, although nearby properties do have some adverse storm water impacts. This developer will work with MSD and those properties to try through this development and this expanded basin to correct those adverse storm water conditions. As to water quality, MSD water quality and soil erosion and sedimentation protection standards of its ordinances apply and will be complied with during the construction phase of development. As to air quality, this very low impact development will not contribute to the degradation of air quality, especially as its traffic impacts are less than a standard single-family development at this site.

GUIDELINE 13 – LANDSCAPE CHARACTER

The intent of this Guideline is to assure that new communities, like this, include internal landscaping and provide perimeter screening and buffering to provide good transitions, as well as privacy, for existing nearby residents, plus those who choose to live within this community. As noted above, and as explained

RECEIVED
OCT 27 2015
PLANNING &
DESIGN SERVICES

1720/E/095

to neighbors at the recent neighborhood meeting, a landscape plan was previously approved and will be revised as part of this new PRD zoned development taking into account adjoining property owners' specific screening and buffering interests.

GUIDELINE 14 – INFRASTRUCTURE

This Guideline is intended to assure that necessary infrastructure exists or is added to address the carrying capacity of this land. Utilities are available and can be brought to this site at affordable costs. As mentioned, certain road improvements along Manslick Road have already been made to assure ease of ingress or egress.

For these reasons and those to be explained at LD&T and the public hearing, this application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

RECEIVED
OCT 27 2011
PLANNING &
DESIGN SERVICES

192011095