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21st Century Parks Endowment, Inc.

11333 Bardstown Creek Road

Proposed Rezoning from R-4 to R-6

Proposed Revised Preliminary Subdivision/Detailed District Development Plan

Combined Justification Statement

Introduction

21st Century Parks Endowment, Inc. proposes to revise the approved preliminary subdivision/detailed district development plan for the Oakland Hills neighborhood in southern Louisville Metro. The subject property is hilly, with Old Man's Run, a tributary of Floyds Fork, running east to west through the middle of it. The subject property was originally planned as a single-family subdivision and was approved in Case No. 10-43-02 and 9-106-02 (the "Original Plan"). The Original Plan contained 736 single-family lots on 668 total acres. The Original Plan contained approximately 319 acres of open space preserved along Old Man's Run and in the valleys between ridges proposed for development.

The Original Plan included a primary entrance on Bardstown Road and secondary entrance on Broad Run Road. Stub roads were proposed on the Original Plan to access undeveloped properties to the south and east. At the time of its approval in 2003, the Original Plan was limited to up to 199 lots until a road connection other than Bardstown Road was provided. Sections 1A and 1B of Oakland Hills, which differed slightly from the overall Original Plan, were developed over the course of the next two years to include 90 lots. Oakland Hills hosted the 2005 Homearama. Unfortunately, the Great Recession slowed home sales significantly. In 2008, a portion of the land contained in the Original Plan (approx. 126 acres) was sold to 21st Century Parks, Inc. as an addition to the planned Parklands of Floyds Fork (the "Parklands"). In 2011, a deal was reached between the original developer, its lender and the 21st Century Parks Endowment, Inc. to allow the Endowment to purchase the remaining developed lots in Sections 1A and 1B and the remaining land, approximately 440 acres.

The Endowment now proposes to revise the approved preliminary subdivision and district development plan for the subject property (the "Revised Plan") and to rezone 20 acres of the subject property (the "Rezoning"). The proposed development will include 592 single-family lots and up to 350 apartment units. The Revised Plan makes use of Section 4.7.7 of the Land Development Code ("LDC") to create the potential for lots that are smaller than 9,000 square feet in exchange for the preservation of open space. The Rezoning will create the potential for multi-family development at the northern end of the subject

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property. The proposed development will connect to Bardstown Road, the properties to the south and east along Bardstown Road and to Broad Run Parkway, the main road through the adjacent Broad Run Park, the southernmost park in the Parklands. An easement will be provided for emergency access to Broad Run Road.

The proposed development complies with the Cornerstone 2020 Comprehensive Plan (the “Comprehensive Plan”) because it will provide more open space, more housing options, and more roadway connections than the Original Plan and because it will create a neighborhood truly connected to the Parklands. This justification statement will address both the Revised Plan and the Rezoning.

1. The Rezoning

The proposed Rezoning complies with the intent and applicable Policies of Guideline 1-Community Form. The subject property is entirely within the Neighborhood Form District, a district in which a variety of housing options are allowed. The Rezoning will allow for a multi-family component within the overall Oakland Hills neighborhood. The Rezoning is at the northern end of Oakland Hills, adjacent to the Parklands and near Broad Run Parkway. Broad Run Parkway intersects Bardstown Road at a signalized intersection, and connects to roads to the north, as well, providing multiple routes for vehicular access out of this end of Oakland Hills. Although multi-family is encouraged along higher level roadways, locating it near parks is an established development pattern throughout Louisville Metro. There are several multi-family developments near Cherokee and Iroquois Parks, as well as others located near McNeely Lake Park, Waterfront Park, and sections of the Louisville Loop.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 2-Centers. The proposed Rezoning will allow for a more compact style of development adjacent to the Parklands, a 4,000 acre park along Floyds Fork. The proposed multi-family development, though not designed yet, will allow for a variety of housing options near the Parklands, where recreational opportunities and natural areas are plentiful. Although this Guideline is not typically applied to purely residential developments, here an under-appreciated mix of uses (multi-family residential and park land) is present, making this Guideline applicable. The Rezoning will allow residents the opportunity to walk, hike, bike or drive into and through the Parklands, while reducing the environmental impact of development as compared to the Original Plan.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 3-Compatibility. The Rezoning will allow for multi-family development in a manner designed to be compatible with the Parklands, the existing agricultural properties nearby and the planned residences in Oakland Hills. The proposed multi-family development has not been designed yet but will contain buffers where needed and comply with LDC

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standards on lighting. The proposed Rezoning will use both Broad Run Parkway and the existing roads in Oakland Hills for access, spreading the traffic onto multiple roads and mitigating the impact of the proposed Rezoning on any one roadway. A more thorough review of compatibility will be conducted when a detailed development plan for the proposed multi-family development is put forward and reviewed by the Planning Commission.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 4-Open Space and Guideline 5-Natural Areas and Scenic and Historic Resources. The proposed Rezoning will provide a buffer between Tract 2 (the proposed multi-family property) and the Parklands boundary. The proposed Rezoning will also provide a close connection to the Highland Crossing trail within the Parklands and to the Louisville Loop. The proposed Rezoning is located on one of the flatter areas of the overall Oakland Hills property, an area proposed to be densely developed with single-family lots on the Original Plan. Locating the proposed Rezoning where proposed, as opposed to another location, will preserve the more sensitive natural features found elsewhere in the overall property. As the plan for the Rezoning area is composed and refined, any sensitive natural features, including protected flora, will be considered.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 7-Circulation and Guideline 8-Transportation Facility Design. The road network, both existing and proposed, will be sufficient to accommodate the traffic that will eventually be generated by the proposed Rezoning. The Endowment is proposing connections to Bardstown Road through Oakland Hills and to Broad Run Parkway, although it is most likely that residents of the multi-family section of Oakland Hills will use Broad Run Parkway as their primary means of access. In addition to vehicular access, the proposed Rezoning is located directly adjacent to hiking trails and the Louisville Loop, providing the potential for multi-modal access to the subject property.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 9-Bicycle, Pedestrian and Transit. Although transit service is not yet available, the proposed Rezoning should impact the potential for TARC ridership in the area, making transit connections more likely. The proposed Rezoning will also provide a variety of pedestrian and biking opportunities for residents.

The proposed Rezoning complies with the intent and applicable Policies of Guideline 10- Flooding and Stormwater and Guideline 11-Water Quality. The proposed Rezoning will be part of the overall Oakland Hills neighborhood, a development that, even under the Original Plan, included significant water quality measures. The proposed Rezoning will include similar measures in order to comply with water quantity and quality measures under the LDC.

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The proposed Rezoning complies with the intent of and applicable Policies of Guideline 12-Air Quality and Guideline 13-Landscape Character. Although the multi-family development has not been designed yet, it will be surrounded by buffers between it and the Parklands and will include pedestrian and bicycle connections to the Parklands. These two measures will help with air quality through the preservation and planting of trees and by reducing vehicle miles traveled to access the Parklands. The inclusion of multiple access points in the overall development will also help to spread traffic coming to and from Oakland Hills, reducing isolated impacts.

The proposed Rezoning complies with the intent of Guideline 14-Infrastructure. The entirety of Oakland Hills will be served by the Louisville Water Company and by the Metropolitan Sewer District's Cedar Creek treatment facility. The infrastructure to provide sanitary sewer service is in place, and the Cedar Creek treatment facility has adequate capacity to serve the entirety of Oakland Hills.

2. The Revised Plan

The Original Plan was approved as both a Preliminary Subdivision Plan and a Detailed District Development Plan. As the LDC contains specific standards applicable to the revision of Detailed District Development Plans, this Justification Statement will address those topics.

Chapter 11.4.7.F sets out six topics to be considered by the Planning Commission when faced with an application to modify an approved plan. They include: (a) conservation of natural resources; (b) the safety and efficiency of the proposed and existing roads in and around the proposal; (c) the provision of open space; (d) the adequacy of the existing and proposed drainage systems in and around the proposal; (e) the compatibility of the proposal with the existing and planned development in the area; and (f) conformance of the proposal with the Comprehensive Plan.

A. The Original Plan contained 316 acres of open space and buffers along Old Man's Run. As detailed above, 21st Century Parks, Inc., a sister non-profit to the Endowment, purchased approximately 126 acres of the property that was included in the Original Plan and permanently preserved it as part of the Parklands. The Revised Plan also includes a significant buffer along Old Man's Run and combination floodplain compensation/water quality features to ensure that water entering the stream will be cleaned of solids and oils running off the proposed streets. The Revised Plan also pulls back from steep slopes and includes trails that will connect the new sections of Oakland Hills to the adjacent Parklands.

B. The Original Plan contained a road plan that relied on the properties to the south and east and Broad Run Road for secondary access. The Original Plan contained a main road, Oakland Hills Trail, that served as the primary access for the entire neighborhood. The Revised Plan maintains the connection to the existing Oakland Hills Trail and the connections to the surrounding properties to the south and east but also includes a connection to Broad Run Parkway. Broad Run Parkway includes a recently-installed signal that will provide a safe way to access Bardstown Road, a main artery between Louisville Metro and the communities nearby in Bullitt County. The additional connection and signal should mitigate traffic impacts from the Revised Plan.

C. The Original Plan included 319 acres of open space. Including the acreage that was part of the Original Plan but is now part of the Parklands, the Revised Plan will include just over 416 acres of open space. Excluding that acreage, the Revised Plan still includes 263 acres of open space. When added to the open space in Sections 1A and 1B, the total open space comes to 289 acres. In addition to providing open space, the Revised Plan contains hiking and biking trails that will allow residents to enjoy the open space and venture into the adjacent Parklands.

D. The Revised Plan contains adequate planned drainage systems that will address the floodplain impacts of the Revised Plan, water quantity from new impervious surfaces, and water quality. The Revised Plan contains buffers along ephemeral streams and a significant buffer along Old Man's Run. The Revised Plan also includes potential floodplain mitigation/water quality basins along Old Man's Run. To the extent additional water quality measures are needed, the Endowment will evaluate the best options available and incorporate those measures into the Revised Plan.

E. The Revised Plan is compatible with the existing lots and homes within Oakland Hills, the surrounding properties and the planned pattern of development in the area. The Revised Plan contains a variety of lot sizes but maintains lot sizes similar to those in Sections 1A and 1B in the areas between Sections 1A and 1B and the bridge crossing Old Man's Run. The Revised Plan also contains buffers adjacent to several of the properties on Vessels Road and will provide buffering that was previously agreed to by the original developer on the adjacent properties near the access easement to Broad Run Road.

The Revised Plan will also be compatible with future development in the area. Although the Comprehensive Plan does not contain a Form District that treats this area differently than any other suburban neighborhood area, there is consensus building around design principles that should be included in developments near Floyds Fork and the Parklands. Proposed developments in these areas should evaluate, as part of the planning process, the impact of the proposed development on the natural environment and the Parklands.

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In order to meet these broadly agreed-upon principles, design solutions, including a variety of lot sizes, the inclusion of multi-family parcels and the provision of bicycle and hiking trails, have emerged. The Revised Plan was planned to reduce environmental impacts compared to the Original Plan. The Revised Plan was also designed after consultation with both a naturalist, who identified significant places and features on the property to be avoided, and an environmental firm, who identified regulated areas of the property to be considered. The Revised Plan was designed to blend in with the Parklands, including buffers to screen views and trails to allow access.

G. The Revised Plan complies with the Comprehensive Plan for many of the same reasons the Rezoning complies with the Comprehensive Plan. The Revised Plan is primarily located on portions of the Original Plan that were not rezoned at the time the Original Plan was approved. The proposed single-family lots were an allowed use by right at the time of the Original Plan and remain so today. As outlined above, in this Section 2, the Revised Plan compares favorably to the Original Plan. The Revised Plan provides more open space on the same 668 acres as the Original Plan. The Revised Plan provides a variety of housing choices, where the Original Plan did not. The Revised Plan contains bicycle and pedestrian infrastructure that far exceeds the Original Plan. The Revised Plan contains more and better roadway connections, as well. All of these characteristics address the Guidelines and Policies of the Comprehensive Plan.

For the reasons set out in this Justification Statement, the Endowment respectfully requests that the Planning Commission recommend to the Louisville Metro Council that it approve the proposed Rezoning and that the Planning Commission approve the Revised Plan.

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21ST CENTURY PARKS ENDOWMENT, INC.

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VARIANCE JUSTIFICATION

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The proposed variance, which will reduce the front/street side yard setback from 30' to 25' for most lots in the Oakland Hills neighborhood, will not adversely affect the public health, safety or welfare. A variance was previously approved in the original plan for Oakland Hills, Case Nos. 10-43-02 and 9-106-02 (the "Original Plan"). The variance will bring the homes in Oakland Hills closer to the right of way, but will retain 25' of the required 30' setback. The variance will also permit the Endowment to disturb less of the site for each lot.

The variance will not alter the essential character of the general vicinity. As stated above, the variance was previously approved in the Original Plan for all of Oakland Hills.

The variance will not cause a hazard or nuisance to the public. The variance retains 25' of the required 30' setback, which leaves sufficient space between the homes and the public right of way to accommodate yard and driveway space. The variance will also permit the Endowment to disturb less land for each home site, pulling the homes away from the sloped areas of the site as much as possible.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance was previously approved in the Original Plan for Oakland Hills. The variance permits the homes in Oakland Hills to be brought up closer to the road while maintaining adequate space between the public right of way and the building envelope on each lot, while allowing for less land to be disturbed in the overall development.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the need to bring the homes in Oakland Hills closer to center of the existing ridge-tops. Because the subject property is hilly, the full 30' setback would require the Endowment to build the homes further onto the hillsides and disturb more ground during development.

The strict application of the regulations would create an unnecessary hardship because the full 30' setback would require the Endowment to build the homes further onto the hillsides of the subject property and disturb more ground during development. Strict application of the regulations would also create an unnecessary hardship because the variance was previously approved in the Original Plan for Oakland Hills.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of the misapplication of the yard setback requirements to this hilly property, a consideration previously recognized in the granting of the variance on the Original Plan for Oakland Hills.