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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: LIV Development

Owners: Roy F. McMahan, III; Mary Alice McMahan Trust;
Skip McMahan Family No. 2 Irrevocable Trust; Roy
F. McMahan, III Family Trust

Project Name/Location: 5217 Springdale Road

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-7

**Engineers, Land Planners, Landscape
Architects:** Sabak Wilson & Lingo

INTRODUCTION

This multi-family community is proposed by LIV Development, who specialize in developing high-end apartment projects with ample amenities for the residents. LIV Development's first Louisville Metro project on Chamberlain Lane is currently under construction. LIV Development's high-end apartment communities are attractive to young professionals and retiring individuals who want to continue to live in a very nice rental community in close proximity to an activity center with employment opportunities. This is one of the last remaining undeveloped properties in the area and perfect to provide an additional housing options to the single family residential which predominates the area. This site is also uniquely positioned for a development of this kind being bounded on all sides by roads (Springdale Road and the Gene Snyder) providing the additional buffering of the ROW and interstate to the adjoining properties. Further, the proposed development plan goes beyond impact mitigation by helping to resolve an existing transportation issue through the dedication of sufficient right of way along the Gene Snyder to allow for the straightening of Springdale Road.

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 low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings

which can be rental apartments, which this plan proposes. Proposed density in this instance is in the high range, both as contemplated by these Policies and because, when the right of way dedication along Springdale Road and along the Gene Snyder were required with this development (comprising over 4.0 acres of the overall 17.97 acre site), the density was pushed from requiring R-6 rezoning to necessitating R-7 zoning. The very significant ROW dedication along Springdale Road and along the Gene Snyder for the future straightening of Springdale Road is spread among 5, 4-story apartment buildings and 3, 3-story carriage house buildings with a total of 302 units, the designs, square footages and rental rates LIV Development plans are also contemplated by these Policies as appropriate for this Form District and neighborhood. The four story height also allows for additional buffering as the buildings aren't spread out closer to Springdale Road.

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks will also be met, with no waivers or variances.

Also, located as this proposed multi-family zoned community is just a short drive north along Springdale Road from a sizeable and ever-growing commercial activity center, employment center with the Fenley office buildings, and Kentucky Country Day school, travel distances for purposes of shopping, employment, and school are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions including the Louisville Loop are completed. This helps contribute to improved air quality.

The brick and quality siding components and innovative style and design of these buildings assure compatibility with the homes nearby, particularly considering the additional distance of the buildings to Springdale Road, the proposed preservation of the existing tree canopy as shown on the plan, and the additional buffering provided by the existing right of way. Plus landscaping, screening and buffering beyond the bare minimums help assure appropriateness for the neighborhood and compatibility with adjoining residential uses.

As a consequence of what surrounds this proposal (being the Gene Snyder and Springdale Road) and the fact that this is a proposed rental community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. While this area was built out mainly as single family residential, additional housing options and styles are highly encouraged, which this project will provide. Plus, as a high-end residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents.

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:

As said, the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping, office development, and other large rental communities and in close proximity to a school. As such, and with good and improving pedestrian and vehicular access along Springdale Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is very near a large mixed residential, retail, office and school

activity center that extends from Springdale Road and US-22 to north of the Gene Snyder along US-22.

Also, as such, it will add to the diversity of housing opportunities in this already largely built out area to reside in close and convenient proximity to places of employment, food, shopping and education US-22 that extends in all directions from Snyder Freeway. This property is one of the few undeveloped sites in close proximity to the aforementioned activity center capable of development and uniquely situated to provide the least impacts due to the Gene Snyder and Springdale Road (along with the proposed screening and buffering).

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 multi-family community includes a large community clubhouse and pool plus other communal open spaces, such as a dog park, pet spa, yoga activity center for use by residents. Those spaces will be maintained in perpetuity by the owner of the apartment community.

As to Goal 4, this is not a historic site with historic buildings.

As to Goal 5, this proposed multi-family community is neither large nor public enough to include an element of public art.

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 multi-family community (located as it is within an existing and growing mixed use area proximate to a large activity center, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to a nearby school, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. New sidewalks are being proposed along the Springdale Road frontage and the dedication of the large swatch of property along the Gene Snyder will allow for the future straightening of Springdale Road and the Louisville Loop to be constructed in this area. The Louisville Loop is proposed to be located along the Gene Snyder through this property, thereby providing bicycle and pedestrian access to essentially all of Louisville Metro. Locating this development along and with access to and from those networks, the applicant will, at its cost, construct sidewalks and assure good site distances both now and in the future when Springdale Road is straightened and the existing Springdale Road only serves local access.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces and stub connections 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.

Also a Traffic Impact Study (TIS) completed by HMB Professional Engineers show the level of service for both the build and no-build scenarios as being a level of service B or better. Locally, if an area has a level of service greater than C, the network was overbuilt for the existing demand. This development will not only not cause a negative impact, but will offer an additional housing option in close proximity to retail, employment and school reducing vehicle miles traveled.

TARC service is generally unavailable in areas like this, but basic service is available along US-22 from the intersection of Springdale Road and US-22.

Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

Further, LIV Development will be dedicated 4 acres of a 17.97 acre site, which percentage wise is one of the largest right of way dedications in recent memory to provide the ROW for the solution to the existing dangerous curve on Springdale Road.

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:

Kentucky Country Day school is located a short distance way up Springdale Road. There is also St. Mary's and Norton Commons elementary located in close proximity in Norton Commons. Fire and other services are also located in close proximity.

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 multi-family community is part of a developer response to that demand in an infill site uniquely situated for same with good screening and buffering, as well as with an existing roadway system with capacity for same, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries.

It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan is so important at this time.

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, 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 contemplates that storm water will be accommodated by virtue of new detention basins as show on the Plan to not only assure no negative impact, but to solve the existing uncontrolled drainage problem. Sanitary sewer service is available with a confirmation of sufficient capacity. It can be accessed via lateral extension.

Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed multi-family community near a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

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:

By bringing brand new, high quality apartments to this predominantly single family residential area provides a diversity of housing options on an infill site that is uniquely positioned to avoid negative impacts due to buffering and ROW on all sides. Also, because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby Kentucky Country Day school, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities, apartment buildings are multigenerational. Thus, this community can probably expect largely families, young professionals and empty-nesters to be among its principal occupants.

And, finally, the Comp Plan encourages plans with no displacement of residents, which as an undeveloped field this site provides.

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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 application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

Bardenwerper, Talbott & Roberts, PLLC
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