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

Applicant: Sunshine Builders, LLC c/o Damon Garrett

Owner: Oaklawn Development Properties, LLC

Project Name/Location: 400 Shelby Station Drive

Proposed Use: Multifamily Residential

Request: Revised Detailed District Development Plan and
Binding Element Amendment

Engineers, Land Planners,
Landscape Architects: Land Design & Development, Inc.

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

This site was previously considered for development of the independent living component of a continuum of care community that also involved assisted living and personal and skilled nursing — the later two having been in operation for a number of years now. The independent living community was later dropped, and so the land under it that was previously approved for that specific type of development was put up for sale. Because the site was thus previously zoned for multi-family development, this developer negotiated a contract to purchase it and began working out resolutions to assure the delivery of sanitary sewer infrastructure to it and also how to develop the site in a manner not inconsistent or incompatible with the variety of housing surrounding and near it — that being the referenced nursing and assisted living homes for seniors to the north, single family homes to the south and east, patio-home style condominiums to the west and apartments close by along South English Station Road. The Louisville company proposing this development is a highly experienced custom home builder who is also developing mixed multi-family communities (apartment and condos) nearby on South English Station Road and at Old Heady Road and who also recently constructed an apartment community off Bardstown Road similar to the one planned here. As such, he understands and has committed his life’s work to quality design and construction, most particularly now at this already multi-family zoned site.

6-FACTOR TEST OF LAND DEVELOPMENT CODE SECTION 11.4.7

LDC Section 11.4.7 sets forth a 6-factor test for reviewing and deciding revised detailed district development plans, like this RDDDP. They include these factors, all of which are more specifically

addressed by the many detailed Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan. Those factors are: conservation (Plan Element 4.5), transportation (Plan Element 4.2), open space (also Plan Elements 4.1 and 4.5), drainage (also Plan Element 4.5) and site design (Plan Elements 4.1, 4.2 and 4.5). Generally speaking (with more detail to follow in the paragraphs below), this RDDDP was prepared with the prior DDDP very much in mind, thereby trying to maintain the same general arrangement of access, circulation, storm water management, building locations, setbacks, landscaping, screening and buffering. As such, all 6 of these factors have been fully considered by the applicant/developer and his design team in order to assure that the only design elements of the project that change from before are those not addressed by these factors — notably building design and occupancy. In that regard, density and floor area ratio are proposed to increase but barely the issues of site design that these 6 factors are intended to address.

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 even high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this RDDDP now proposes as a replacement for the independent living rental homes that were part of the prior approved plan. Proposed density in this instance is in the medium range, as contemplated by these Policies. The specific designs (including 3 story heights), square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and this specific neighborhood, exactly the same as those found a short distance away along South English Station Road where two other apartment communities were approved: one a few years ago under the Cornerstone 2020 Comp Plan and another recently approved under the Plan 2040 Comp Plan. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met here without variances or waivers. Located as this proposed multi-family zoned community is a very short drive down Beckley Station Road from a small grocery store and an almost equally short drive down Shelbyville Road from a sizable commercial activity center (that includes two pharmacies, medicinal offices and restaurants) and also short distances from Christian Academy and St Patricks Catholic schools and also soon-to-be-constructed new elementary and middle schools, travel distances for purposes of shopping, dining, a variety of essential services and schools are reduced. Also because of already constructed sidewalks, walking is not just a theoretical possibility but also an actual likelihood. This proposed apartment community will be located a very short walking, biking and driving distance down Beckley Station Road from the large Parklands of Floyds Fork park. This proximity to the park makes this location a highly attractive living site and also helps contribute to improved air quality. The brick and quality siding components and traditional style and design of these buildings assure compatibility with the north-adjointing nursing home and assisted living facility as well as south, east and west adjoining and nearby single family and patio home style condominium homes. Landscaping, screening and buffering beyond the bare minimums also help assure appropriateness for the larger neighborhood and compatibility with adjoining residential uses. As a consequence of what surrounds this proposal and the fact that this RDDDP will be another residential community,

similar to those the those adjoining and near it, impacts such as traffic, odors, lighting, noise and aesthetic factors cannot possibly prove to be nuisance factors.

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: The proposed apartment community is located in a Neighborhood Form District, as stated very near already built shopping and other multi-family zoned communities and in close proximity to several schools. As such, and with good pedestrian and vehicular access along Beckley Station Road with street and sidewalk connections to existing neighborhoods, the proposed apartment community is part of a large mixed residential, retail, essential services and school activity center. Also, as such, it will add to the opportunities existing and planned in this high growth area to reside in close and convenient proximity to places of employment, shopping, dining, services and education. Given all that is proximate to and surrounds this particular site and given the particular design of this proposed apartment community, it appears as though this development, and the larger community including the activity center of which this development is a part, has the over-arching feel of having been always planned this way.

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 RDDDP includes community and communal open space 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 apartment 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 apartment community (located as it is within the above-described mixed use activity center, with good access off both arterial and local streets and thereby well connected as it is proposed to be close to nearby schools, restaurants, essential services, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating this proposed development along and with access to and from those networks, the aforementioned applicant-developer will at its cost, as usual, construct frontage sidewalks and other essential to-be-determined Beckley Station Road right-of-way improvements, if any are needed and required as part of an RDDDP approval. Whether frontage related or within the development site itself, the applicant-developer will, as regulatorily required, prepare construction plans that will assure safe access with

good site distances and turning radii. Bike racks and handicapped parking spots will be installed at and where required near buildings. All drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the RDDDP filed with this application. Also, the proposed revised development's traffic impact is being assessed by the traffic engineer, Diane Zimmerman, who will submit in accordance with MPW&TP requirements whatever traffic and road conditions those agencies deem important to study. TARC offers limited service along Shelbyville Road in this area. All necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements.

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: Christian Academy school is located a short distance away along S. English Station Road. St Patricks Catholic School is also located in relatively close proximity along the northerly extension of Beckley Station Road leading to Aiken Road. New public elementary and middle schools will soon be under construction along Echo Trail off Shelbyville Road east of this site. Fire stations are located relatively short distances away down Shelbyville Road westerly at Urton Lane and easterly at Eastwood Fisherville Road. Public library and community center are located in the heart of Middletown, the nearest municipality to this site.

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 apartment community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the tax base essential to the provision of Important government services.

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 RDDDP shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant. It can be accessed via lateral extension. The nearby largest of the small lakes within the Lakes Lakes neighborhood and stream serving them or other will be protected from the proposed development through distance separation, existing and newly planted native vegetation and erosion/sediment control measures employed during construction. As mentioned above, given the location of this proposed

apartment community in 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: Proposed now under this RDDDP as an apartment community for all ages and incomes instead of as under the prior approved DDDP an independent living community for well-healed elderly, this development project will serve a different and broader role and purpose than before, yet at least an equally important one. Because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the referenced nearby schools, will have children. And because of the proximity to essential services, shopping, dining, nursing home and assisted living facility, this apartment community can also expect empty-nesters, especially seniors as principal occupants.

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For all of the above-stated reasons, those shown on the RDDDP and those to be explained at future committee and/or full Planning Commission meetings, this RDDDP application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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