

Louisville Metro Planning Commission Public Hearing – January 19, 2017

Louisville Metro Land Development & Transportation Committee – December 8, 2016

Neighborhood Meeting - June 7, 2016

Docket No. 16ZONE1032

Proposed zone change from R-4 to R-5 to allow a 61-lot subdivision on property located at 3401, 3403 & 3405 Stony Brook Dr.

Attorneys: Bardenwerper Talbott & Roberts, PLLC

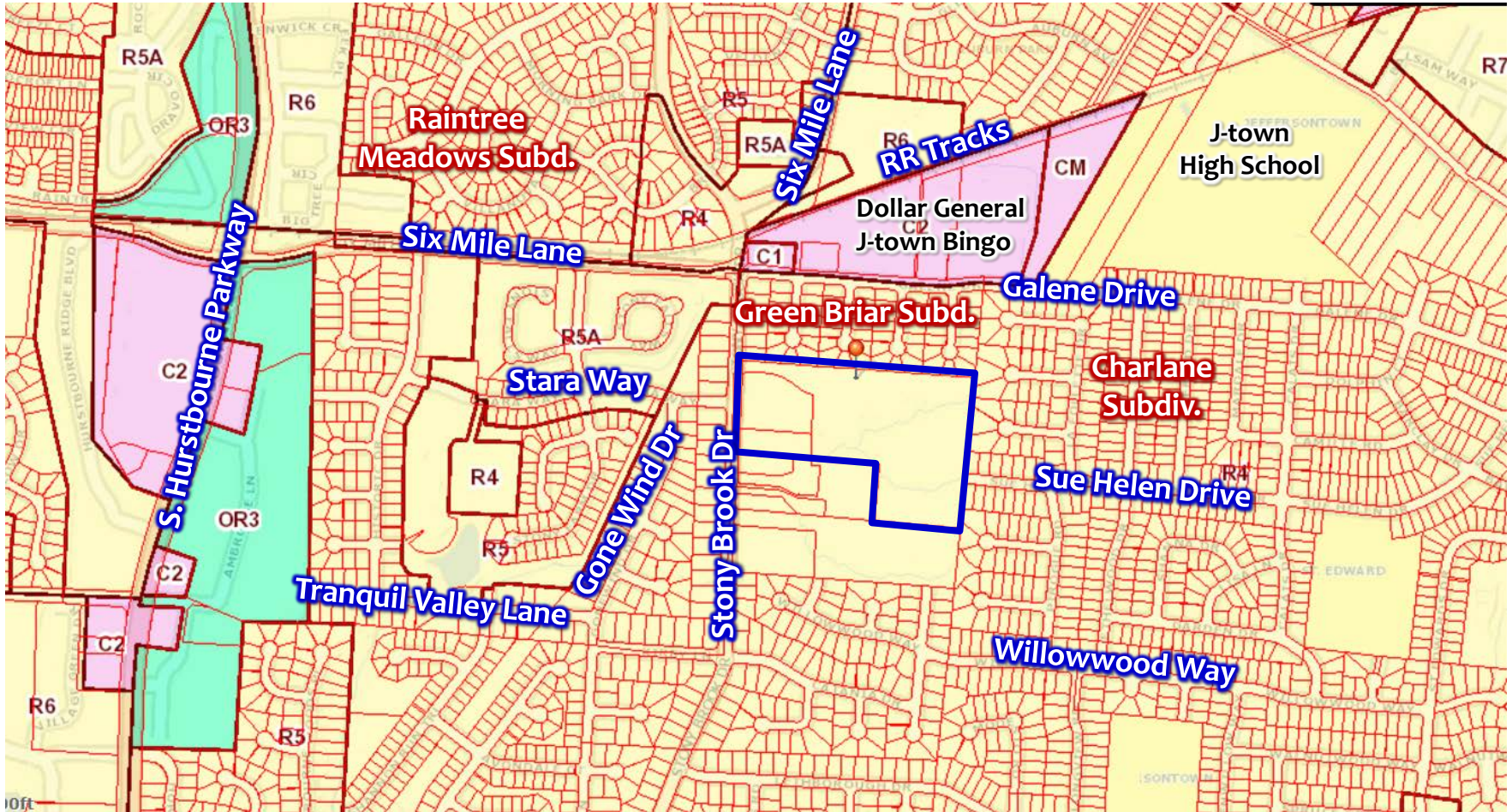
Land Planners, Landscape Architects & Engineers: Land Design & Development Inc.

Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Concept building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan
8. Proposed findings of fact pertaining to compliance with the Comprehensive Plan

Tab 1

LOJIC Zoning Map



**Raintree
Meadows Subd.**

Six Mile Lane

RR Tracks

**J-town
High School**

**Dollar General
J-town Bingo**

Six Mile Lane

S. Hurstbourne Parkway

Galene Drive

Green Briar Subd.

Stara Way

**Charlane
Subdiv.**

Gone Wind Dr

Stony Brook Dr

Sue Helen Drive

Tranquil Valley Lane

Willowwood Way

100ft

Tab 2

Aerial photograph of the site and
surrounding area



Tab 3

Ground level photographs of the site and surrounding area



SITE

View of Stony Brook Drive, looking south. Site is to the left.



View of site from Stony Brook Drive

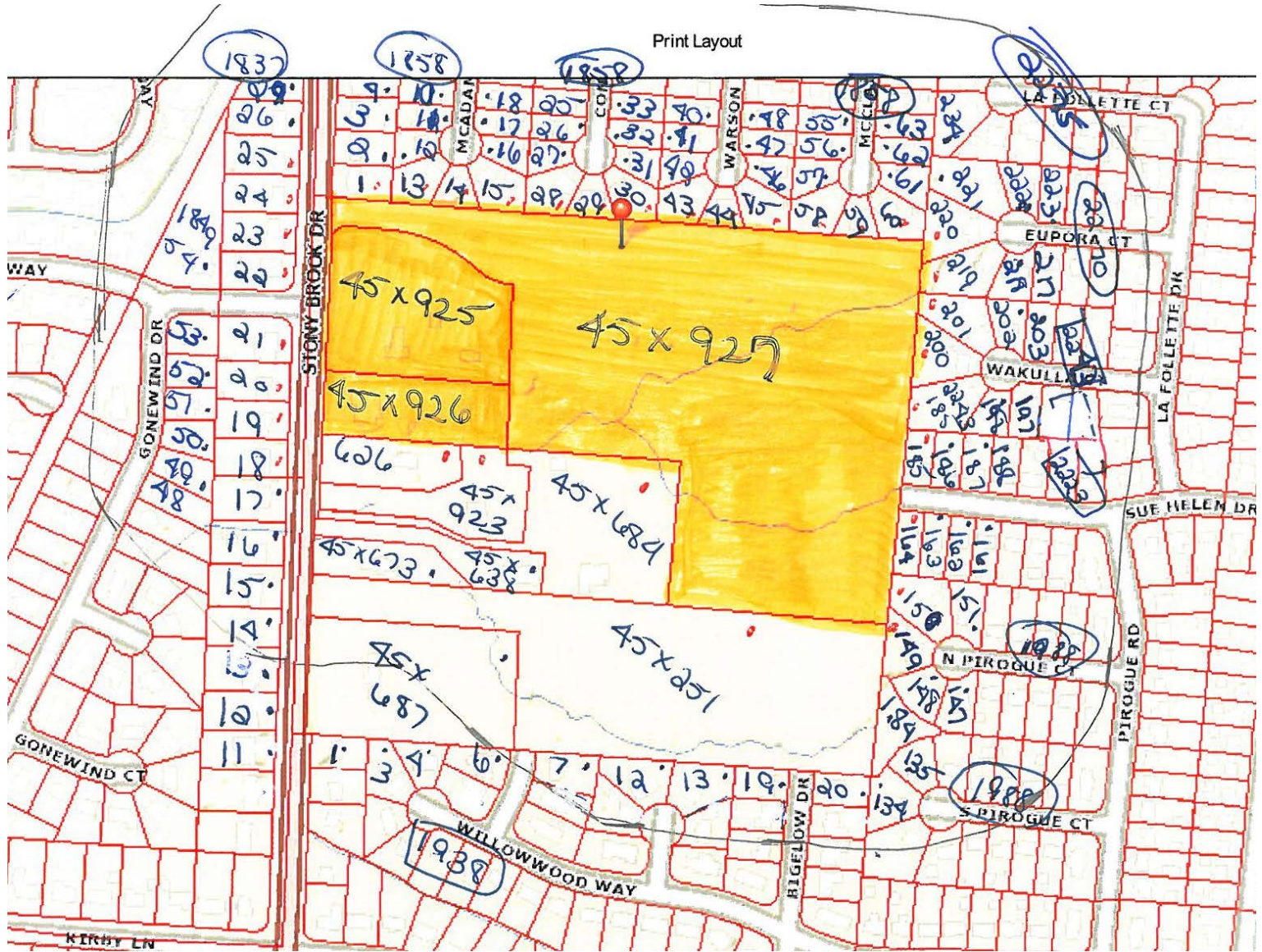


View of Stony Brook Drive looking north. Site is to the right.

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 136 neighbors were invited to the neighborhood meeting 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. 125
Email: WBB@BARDLAW.NET

May 23, 2016

Dear Neighbor,

RE: Proposed change in zoning from R-4 to PRD (Planned Residential District) to allow a 64-lot subdivision on approximately 18.1 acres located on the eastern side of Stony Brook Lane, just south of Galene Dr. at 3401, 3403 & 3405 Stony Brook Drive; Case No 16ZONE1032

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and planned residential district development plan to allow a 64-lot PRD subdivision to be located as above.

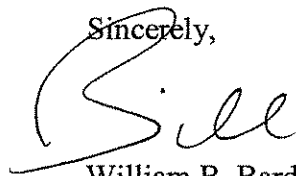
Accordingly, we have filed a plan for pre-application review on Monday, May 23rd with the Division of Planning and Design Services (DPDS) that we would like to show and explain to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. Case Number 16ZONE1032 has been assigned and a DPDS case manager will also be assigned. We will have that information at the time of the neighbor meeting.

In that regard, a meeting will be held on **Tuesday, June 7th at 7:00 p.m. in the Fellowship Hall at The West Broadway Baptist Church** located at **8420 Six Mile Lane**. *(Turn on Historic Dr. off of Six Mile Ln., turn into the second entrance to the church parking lot, and park at rear of the building. There is a single door at the end of the building to enter.)*

If you cannot attend the meeting but have questions or concerns, please call me or my partner Nick Pregliasco at 426-6688, or the land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Kevin Kramer, Councilman, District 11
Brian Davis, supervisor with Division of Planning & Design Services
A. J. Thomas, Jr., A Thomas Consulting, LLC
Kevin Young & Ann Richard, land planners with Land Design & Development, Inc.
Nick Pregliasco with Bardenwerper, Talbott & Roberts, PLLC

Neighborhood Meeting Summary held on June 7, 2016

Bill Bardenwerper, Counsel for the applicant, opened the meeting with a PowerPoint Presentation. He showed the location, all the nearby streets and neighborhoods and explained how this proposed development with either PRD or R-5 zoning would fit within the context of this area. He introduced A. J. Thomas who owns the subject property who explained his long term ownership of this site and that he lives next door. He said he wants a high quality neighborhood with as much open space and retain trees as possible. He said he wants high quality homes, variable building materials. He said that he is proposing smaller homes that would otherwise be permitted in the R-4 zoning district because of his sense that is what the market now commands. Mr. Bardenwerper further explained that subdivisions of these kinds, whether a rezoning to R-5 or PRD, or a Conservation Subdivision, involves smaller lots because the market is asking for more home and less lot. He explained that one value of rezoning is that it becomes a discretionary, instead of ministerial, review. As such, residents get to have input into such things as building design.

Kevin Young with Land Design & Development then explained the layout, including where open spaces are proposed and the slightly greater number of lots anticipated than if no rezoning occurred. The extra number of lots maybe equals about ten more than if there were no rezoning. But in a case of no rezoning, there will not be necessary be open space, and there would not be a discussion of building materials and house designs, as were being presented to neighbors tonight.

Mr. Bardenwerper explained that when the notice was sent, the applicant then anticipated a Planned Residential District (PRD) zoning. But he said that now the applicant is thinking more in terms of R-5 zoning. He said that with no lots less than 6,000 square feet, there is no need for the PRD zoning. However, he said that the design exercise of considering PRD, which results in open space, was worthwhile and things that even if R-5, this application would include open space.

Neighbors then asked questions about home styles and designs, and some were shown to residents, as explained above. These were based in part on recent home designs of Elite Homes, not that Elite will necessary be building here but Mr. Thomas likes what it has proposed.

There were lots of questions about traffic in the area, and especially the point of access. Because there is so little frontage for this property, Mr. Young explained that this is probably the only place that access can be provided. However, he agreed to meet with the most vocal property owners located across the street from this location in order to see if that access can be re-adjusted so as to have as little negative impact as possible.

There was also a great deal of discussion about the potential for or lack of connectivity. Mr. Young and Mr. Bardenwerper explained how Metro Public Works & Transportation

Planning can preliminary agree that the connection to an existing stub street to the west would not need to be made because of the likelihood that this will result in substantial cut through traffic through existing and the proposed new neighborhood. But a stub connection to the south in case that property is ever developed will need to be made. They did say, however, that no final decisions have been made on the issue of connectivity to the west. Some neighbors seemed to want that connection, but most appeared not to want it. There was lots of residents present, and whereas many were concerned about added traffic to the area, as the evening wore on, many seemed to “get” the idea that there will be a residential subdivision at this location someday, and so why not a higher quality one that they can have some input into the discretionary decision as opposed to one which is ministerial and thus becomes more or less just a “take-it-or-leave-it” ministerial decision.

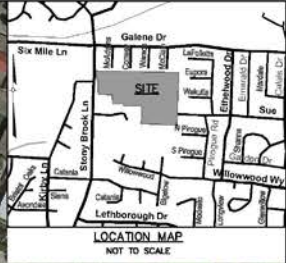
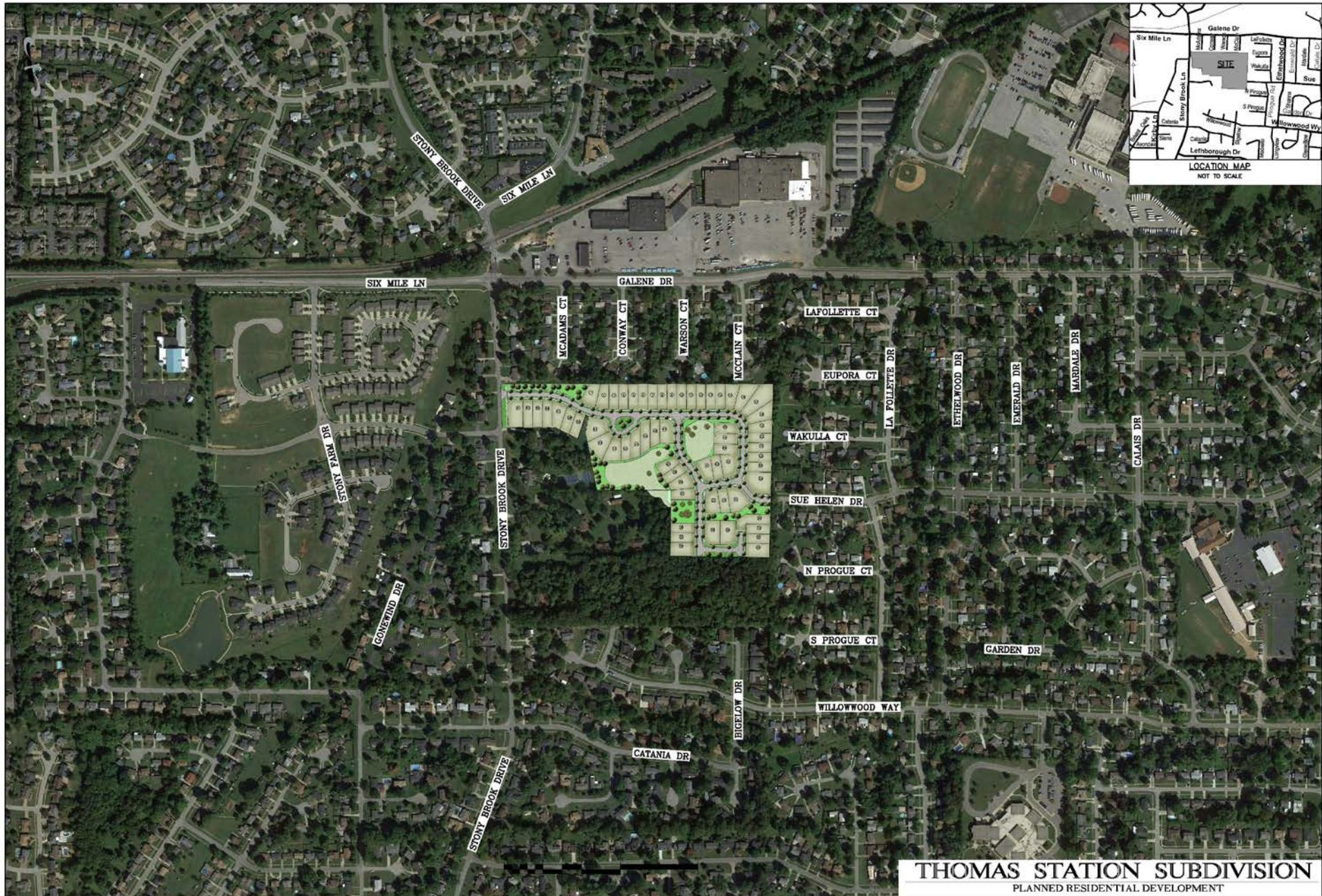
After a spirited but pleasant meeting, the applicant agreed that its land planning representatives would meet with the most affected property owners and that it will send a copy of this PowerPoint Presentation to all those present who provide their emails address.

Respectfully submitted.

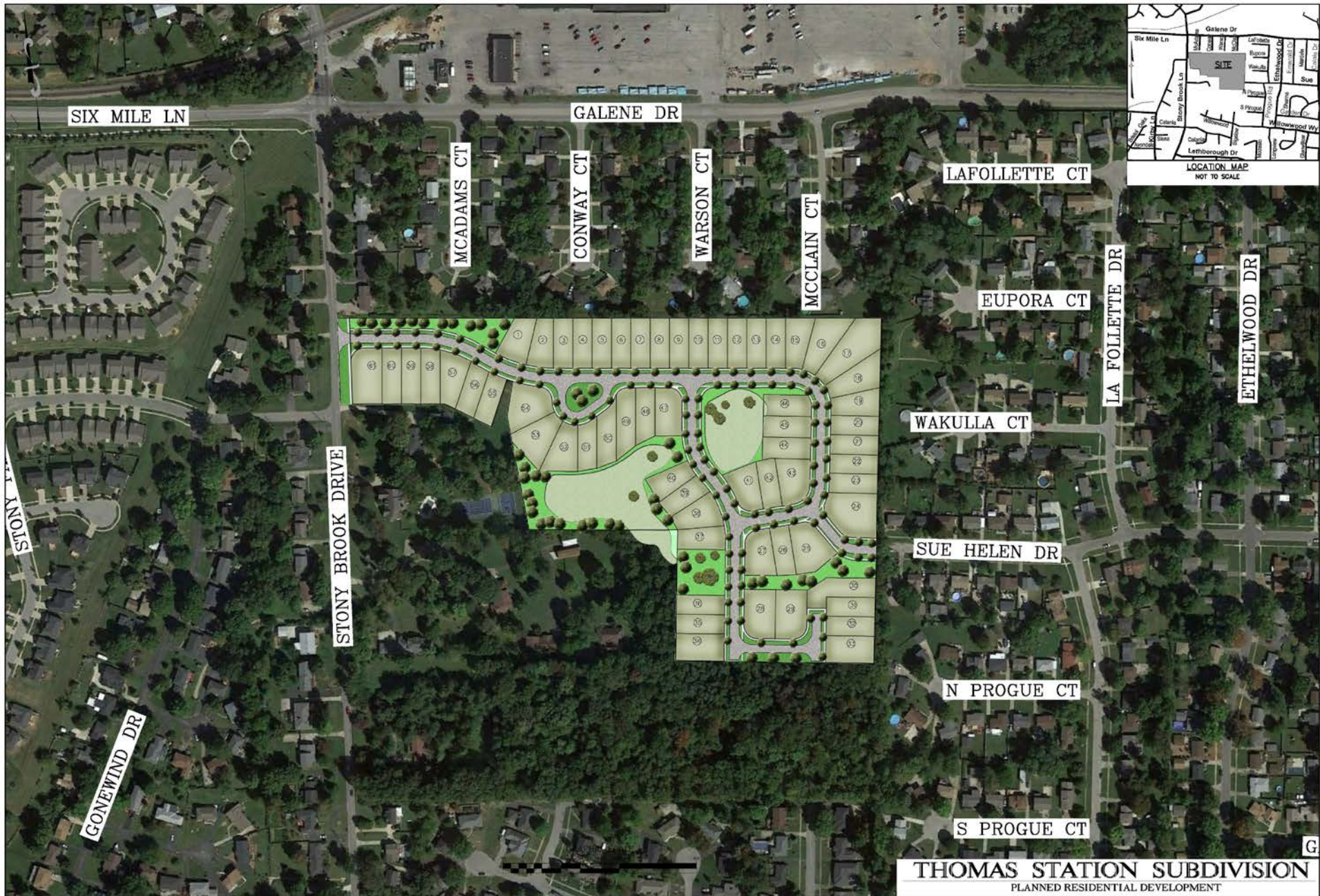
Bill Bardenwerper

Tab 5

Development Plan

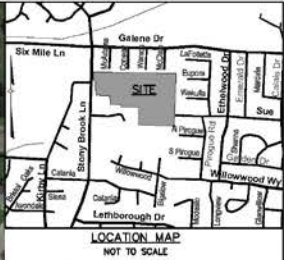


THOMAS STATION SUBDIVISION
PLANNED RESIDENTIAL DEVELOPMENT



SIX MILE LN

GALENE DR



LOCATION MAP
NOT TO SCALE

MCADAMS CT

CONWAY CT

WARSON CT

LAFOLLETTE CT

MCCLAIN CT

EUPORA CT

LA FOLLETTE DR

ETHELWOOD DR

STONY BROOK DRIVE

WAKULLA CT

SUE HELEN DR

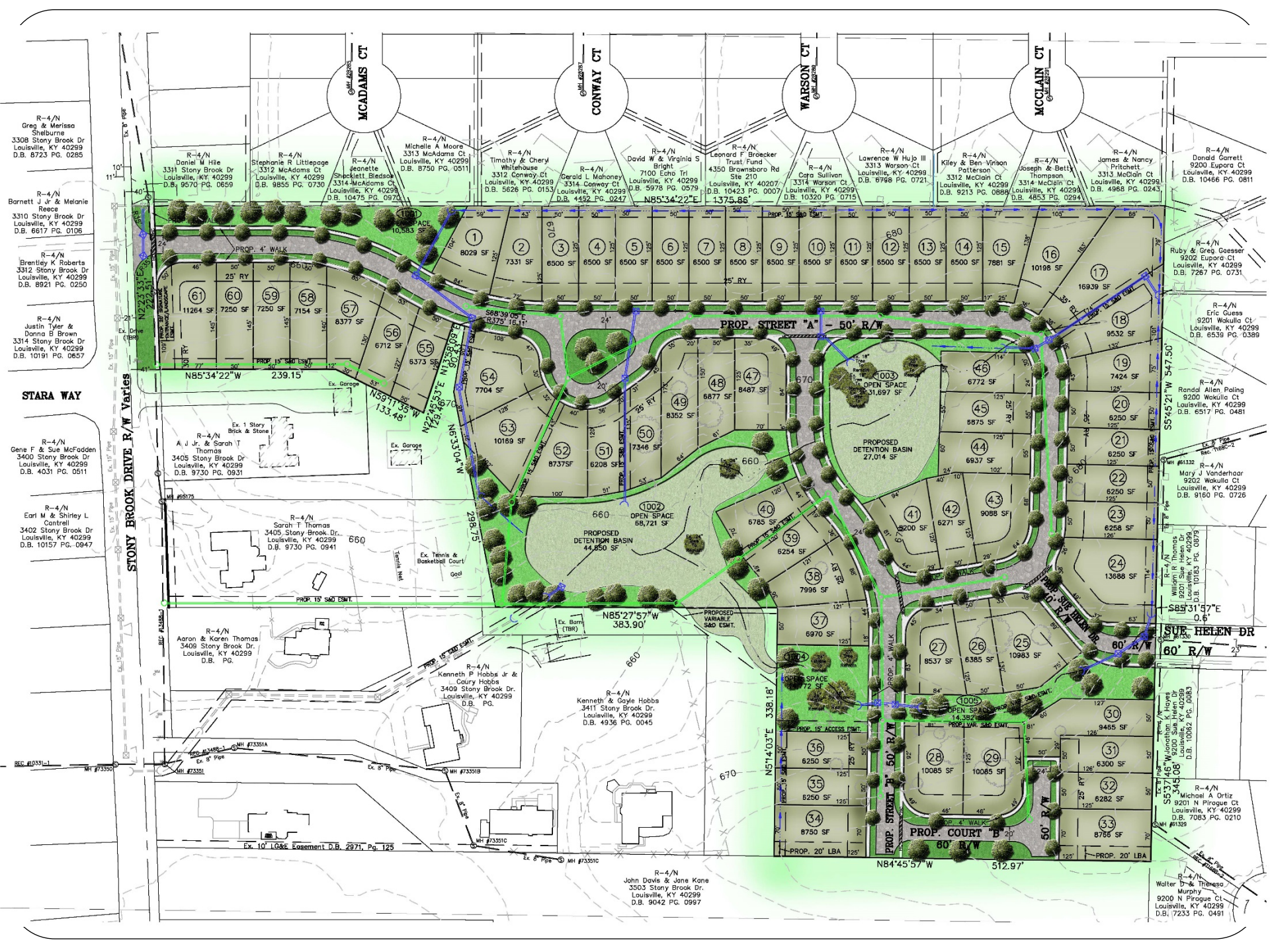
N PROGUE CT

S PROGUE CT

GONEWIND DR

THOMAS STATION SUBDIVISION
PLANNED RESIDENTIAL DEVELOPMENT

G



R-4/N
Greg & Melissa
Shelburne
3308 Stony Brook Dr
Louisville, KY 40299
D.B. 8723 PG. 0285

R-4/N
Barnett J Jr & Melanie
Reece
3310 Stony Brook Dr
Louisville, KY 40299
D.B. 8921 PG. 0250

R-4/N
Brentley K Roberts
3312 Stony Brook Dr
Louisville, KY 40299
D.B. 8921 PG. 0250

R-4/N
Justin Tyler & Donna B Brown
3314 Stony Brook Dr
Louisville, KY 40299
D.B. 10191 PG. 0857

STARA WAY

R-4/N
Gene F & Sue McFadden
3400 Stony Brook Dr
Louisville, KY 40299
D.B. 4031 PG. 0511

R-4/N
Earl M & Shirley L
Cantrell
3402 Stony Brook Dr
Louisville, KY 40299
D.B. 10157 PG. 0947

R-4/N
Aaron & Karen Thomas
3409 Stony Brook Dr
Louisville, KY 40299
D.B. PG.

Ex. 10' L&E Easement D.B. 2971, Pg. 125

R-4/N
Daniel M Hile
3311 Stony Brook Dr
Louisville, KY 40299
D.B. 9570 PG. 0659

R-4/N
Stephanie R Littlepage
3312 McAdams Ct
Louisville, KY 40299
D.B. 9855 PG. 0730

R-4/N
Michelle A Moore
3313 McAdams Ct
Louisville, KY 40299
D.B. 8750 PG. 0511

R-4/N
Timothy & Cheryl
Whitehouse
3312 Conway Ct
Louisville, KY 40299
D.B. 5826 PG. 0153

R-4/N
David W & Virginia S
Bright
7100 Echo Trl
Louisville, KY 40299
D.B. 9978 PG. 0579

R-4/N
Leonard F Broecker
Trust Fund
4350 Brownsboro Rd
Ste 210
Louisville, KY 40207
D.B. 10423 PG. 0007

R-4/N
Lawrence W Hujó III
3313 Warson Ct
Louisville, KY 40299
D.B. 8796 PG. 0721

R-4/N
Kiley & Ben Vinson
Patterson
3312 McClain Ct
Louisville, KY 40299
D.B. 9213 PG. 0888

R-4/N
Joseph & Betty
Thompson
3314 McClain Ct
Louisville, KY 40299
D.B. 4853 PG. 0294

R-4/N
James & Nancy
Fritchett
3313 McClain Ct
Louisville, KY 40299
D.B. 4968 PG. 0243

R-4/N
Daniel Garrett
2900 Eupora Ct
Louisville, KY 40299
D.B. 10466 PG. 0811

R-4/N
A J Jr & Sarah T
Thomas
3405 Stony Brook Dr
Louisville, KY 40299
D.B. 9730 PG. 0931

R-4/N
Sarah T Thomas
3405 Stony Brook Dr
Louisville, KY 40299
D.B. 9730 PG. 0941

R-4/N
Kenneth P Hobbs Jr & Cory Hobbs
3409 Stony Brook Dr
Louisville, KY 40299
D.B. PG.

R-4/N
Kenneth & Gayle Hobbs
3411 Stony Brook Dr
Louisville, KY 40299
D.B. 4936 PG. 0045

R-4/N
John Davis & Jane Kone
3303 Stony Brook Dr
Louisville, KY 40299
D.B. 9042 PG. 0997

R-4/N
William K Hayes
3416 W. Jonathan K Hayes
Louisville, KY 40299
D.B. 10062 PG. 0083

R-4/N
Michael A Ortiz
3201 N Piroque Ct
Louisville, KY 40299
D.B. 7083 PG. 0210

R-4/N
Walter D & Theresa
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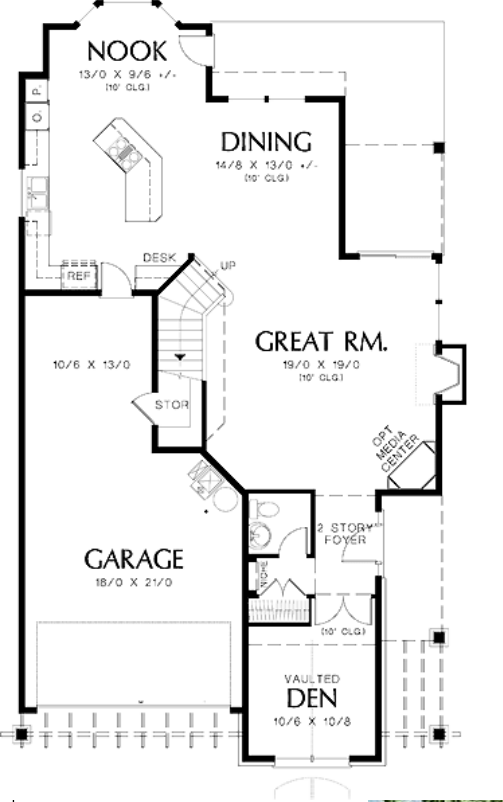
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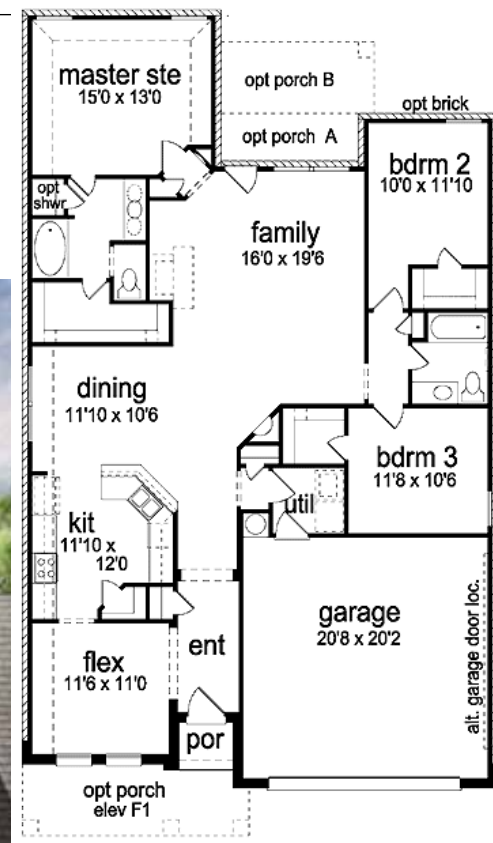
Tab 6

Concept building elevations based on this alternate binding element: “Building materials shall be limited to brick, stone and cementitious (Hardy-plank type) siding except for accents of other durable materials, and front-facing garage doors shall be of different, instead of uniform, design and colors.”

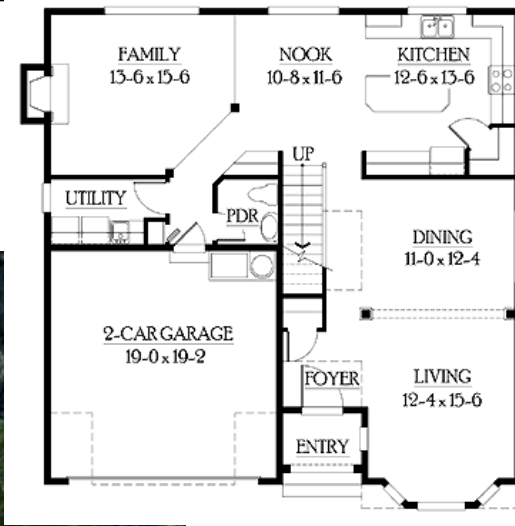
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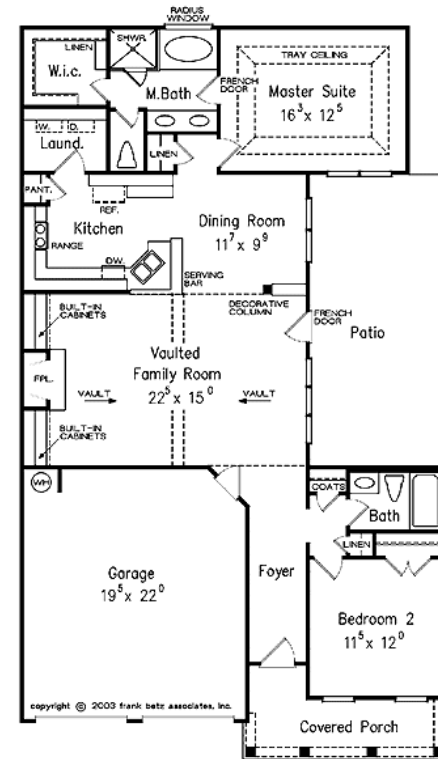
50' lot width



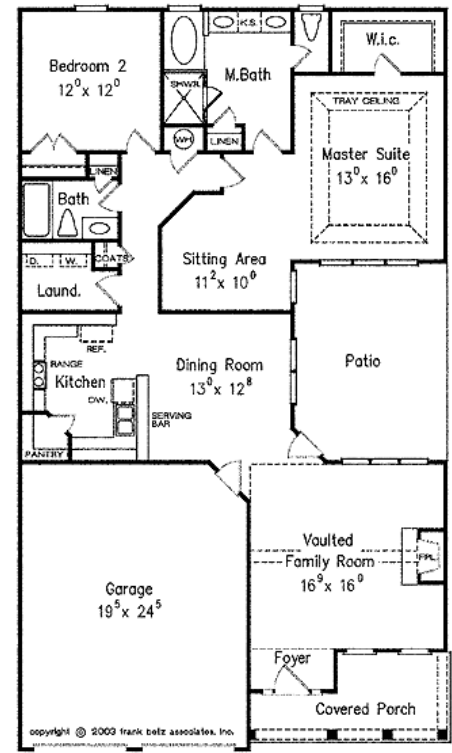
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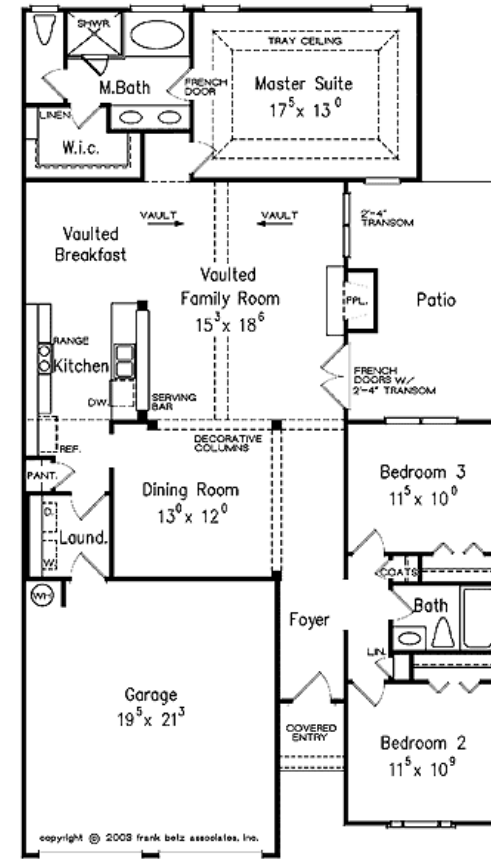
50' lot width



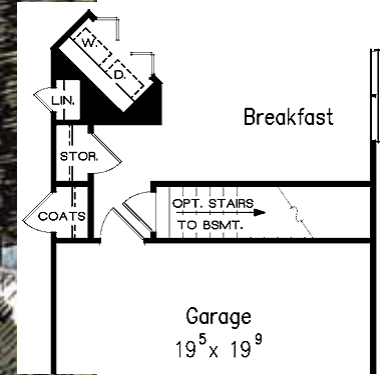
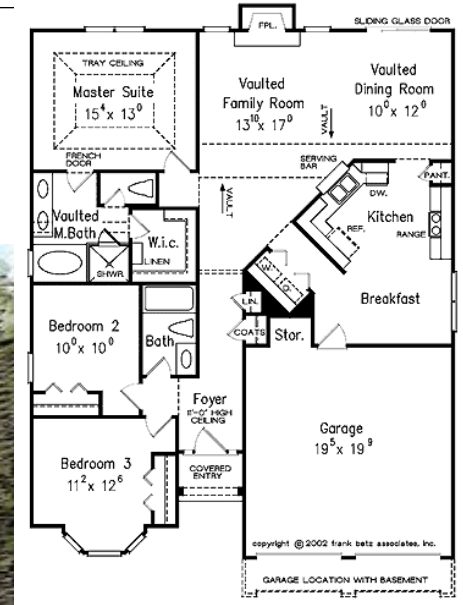
50' lot width



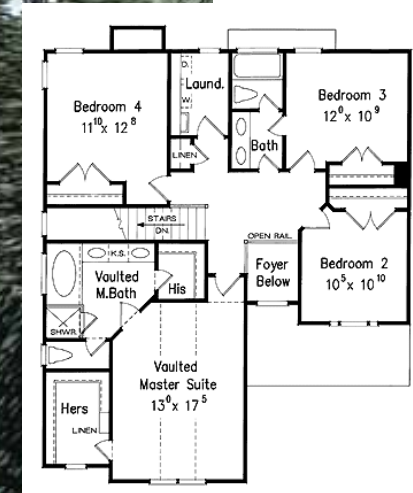
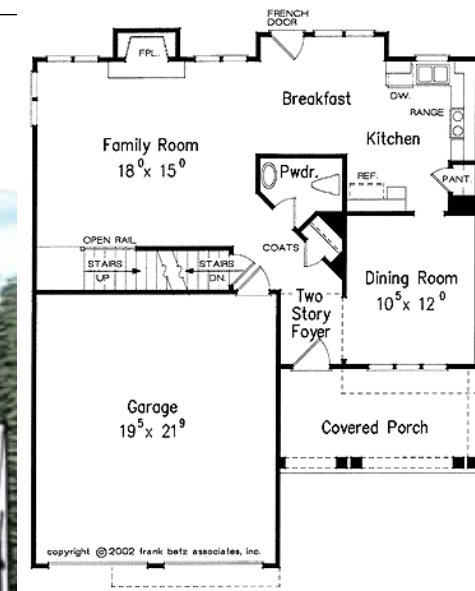
50' lot width



50' lot width



50 lot width



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

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

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

Applicant: A Thomas Consulting, LLC

Owner: AJ Thomas, Jr. & Sarah T. Thomas

Location: 3401, 3403 & 3405 Stony Brook Drive

Proposed Use: Single-Family Residential

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

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

GUIDELINE 1 – COMMUNITY FORM

The subject property is located in the Suburban Neighborhood Form District, which is characterized by predominately residential uses from low to high density. The proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4, meaning an ever-so-slightly higher gross density (3.53 du/a) than perhaps otherwise achievable under the R-4 zoning district classification. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But R-5 is available, well-known, understood and easy to apply. There are other residential developments in the area that are zoned both R-5 and multi-family R-5A, R-6 and even OR-3.

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, 13, 14, 15, 21, 22 and 23 of Guideline 3 for these reasons.

This low density residential subdivision adds to the 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 tree canopy and landscape regulations will apply. The detailed district development/preliminary subdivision plan, 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 complies with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 for these reasons.

Unlike most standard single-family subdivisions, this one includes some 2 ½ acres of open space on a site just 18 acres in size, conserving some natural resources and features, providing for passive outdoor activities off residents' individual home lots. That assures for better buffers and a far superior neighborhood feel. The homeowners association will maintain these open areas.

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 proposed subdivision helps to ensure the availability of residential building lots where lots are in demand. This land is owned by the applicant and surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in a community where new single-family housing is in 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, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons.

This subdivision is situated on a major collector street (Stony Brook Drive) where sidewalks will be constructed, where public transit could exist, although probably doesn't (as that is determined by TARC alone, not the applicant and not the Planning Commission), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions. Further, this subdivision must be reviewed by Metro Transportation Planning Services personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC).

In that regard, the proposed subdivision will assure that both existing Stony Brook Drive access and new subdivision streets continue and are constructed to operate safely and function pretty much as at present because a low traffic-generating use is proposed here. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as shown on the detailed district development plan/preliminary subdivision plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties and streets is desired and as may be allowed in order to assure that no, or limited, cut-through traffic adversely affects this proposed subdivision or within adjoining ones.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The proposed subdivision complies with all applicable Intents and Policies 1, 3, 6, 7, 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 stormwater 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 stormwater systems. Also, MSD will have to stamp for preliminary approval the development plan 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 landscaping for certain kinds of uses and screening and buffering of incompatible uses. Accordingly, the LDC will be fully complied with.

* * *

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: A Thomas Consulting, LLC

Owner: AJ Thomas, Jr. & Sarah T. Thomas

Location: 3401, 3403 & 3405 Stony Brook Drive

Proposed Use: Single-Family Residential

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

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

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominately residential uses from low to high density; the proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4, meaning an ever-so-slightly higher gross density (4.3 du/a) than perhaps otherwise achievable under the R-4 zoning district classification; the applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could have applied for "PRD" rezoning, but R-5 is available, well-known, understood and easy to apply; and there are other residential developments in the area that are zoned both R-5 and multi-family R-5A, R-6 and even OR-3; and

GUIDELINE 3 – COMPATIBILITY

WHEREAS, the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22 and 23 of Guideline 3 because this low density residential subdivision adds to the 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 tree canopy and landscape regulations will apply; and the detailed district development/preliminary subdivision plan, neighborhood meeting PowerPoint and home design elevations shown at the Planning Commission Public Hearing demonstrate all that; and

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

WHEREAS, the proposed subdivision complies with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 because unlike most standard single-family subdivisions, this one includes some 3.2 acres of open space on a site just 18 acres in size, conserving some natural resources and features, providing for passive outdoor activities off residents' individual home lots; that assures for better buffers and a far superior neighborhood feel; and the homeowners association will maintain these open areas; and

GUIDELINE 6 – MARKETPLACE

WHEREAS, the proposed subdivision complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 because this proposed subdivision helps to ensure the availability of residential building lots where lots are in demand; this land is owned by the applicant and surrounded by like-kind subdivisions; and that makes it an infill single-family residential site, appropriate for the area in a community where new single-family housing is in demand; and

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

WHEREAS, the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 because this subdivision is situated on a major collector street (Stony Brook Drive) where sidewalks will be constructed, where public transit could exist, although probably doesn't (as that is determined by TARC alone, not the applicant and not the Planning Commission), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions; further, this subdivision has been reviewed by Metro Transportation Planning Services personnel, who gave its preliminary approval prior to its docketing for Planning Commission review; and that assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC) ; and

WHEREAS, in that regard, the proposed subdivision will assure that both existing Stony Brook Drive access and new subdivision streets continue and are constructed to operate safely and function pretty much as at present because a low traffic-generating use is proposed here; thus, all negative traffic impacts are avoided with this development; and, as noted, design of the site, as shown on the detailed district development plan/preliminary subdivision plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the proposed subdivision complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD requires that post-development peak rates of stormwater runoff do not exceed pre-development peak flows, which is accomplished through on-site detention; thus, new impervious areas will not have

a negative impact on existing stormwater systems; also, MSD has given its preliminary approval of the development plan before it was 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; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses; and accordingly, the LDC will be fully complied with; 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.